



Home of the Tualatin River National Wildlife Refuge

**City of Sherwood
PLANNING COMMISSION
Sherwood City Hall
22560 SW Pine Street
Sherwood, OR 97140
August 23, 2011- 7PM**

Business Meeting – 7:00

- 1. Call to Order/Roll Call**
- 2. Agenda Review**
- 3. Consent Agenda : Minutes – June 14, 2011**
- 4. Council Liaison Announcements (Krisanna Clark)**
- 5. Staff Announcements**
- 6. Community Comments**
- 7. Old Business: None**
- 8. New Business**

a. Public Hearing PA 11-03 Subdivisions, Public Infrastructure and Site Plan Modifications Code Clean Up

As part of our on-going code clean-up project, the Planning Commission is reviewing proposed code changes to the Zoning and Development Code. Public Infrastructure-Division VI, Land Division-Chapter VII and Site Plan Modification are the topics currently under review. The proposed subdivision chapter language will include reorganizing the chapters into "subdivision" "partition" and "lot line adjustment", allow "average lot sizes" for subdivisions, smaller subdivisions (4-10 lots) may be reviewed as a Type II (staff-level decision) and provide a process for re-platting and vacating plats. Public infrastructure amendments include reordering the sections into more chronological order, removing technical engineering standards, amending the street modification standards, street renaming moved to the municipal code, adding rough proportionality language, and change the minimum requirements for a transportation study. The site plan section adds a new process for major and minor site plan modifications and changes what constitutes a site plan.

9. Adjourn

Work Session – Following the Business Meeting

- 1. Code Clean-Up- First Draft Proposed Language**
 - a. Parking Lot Landscaping**
 - b. Tree Removal and Mitigation**
 - c. Temporary Uses**

Next Meeting:

September 13, 2011 – Work Session – Continued Code Clean-Up

City of Sherwood, Oregon
Draft Planning Commission Minutes
June 14, 2011

Commission Members Present:

Chair Allen
Commissioner Clifford
Commissioner Albert
Commissioner Cary
Commissioner Griffin
Commissioner Walker
Commissioner Copfer

Staff:

Julia Hajduk, Planning Manager
Michelle Miller, Associate Planner
Zoe Monahan, Assistant Planner
Heather Austin, Senior Planner

Commission Members Absent:

Council Liaison – None Present

1. **Call to Order/Roll Call** – Chair Allen called the meeting to order.
2. **Agenda Review** – the agenda consisted of the consent agenda and a public hearing on Parks and Open Space Code Clean-up.
3. **Consent Agenda** – the consent agenda consisted of minutes from April 12th and April 26th. Chair Allen asked for any comments, clarifications. Commissioner Walker commented that she would question the decision on the 26th to elect a Vice Chair with 2 of the long term Commissioners not present. No other comments were made. Commissioner Albert made a motion to approve the minutes as written. All were in favor, the motion carried. The minutes from April 12th and April 26 were approved.
4. **City Council Comments** – Councilor Luman was not present
5. **Staff Announcements** – Julia provided the following announcements:
 - Heather Austin the City’s Senior Planner had submitted her letter of resignation. Her last day with City will be July 20th.
 - The Community Center was approved for 2.5 million in funding for renovations. Since it is in Old Town, it will be coming before the Commission for review in the future. The City is in the process of applying for Grants for the Cedar Creek Trail construction. If any of those are awarded you will be seeing construction of that trail. As a reminder, there will be a Public Hearing for a Change of Use for a property in Old Town that will be held at the July 12 Planning Commission meeting.
6. **Community Comments** – none given

7. **New Business** – PA 11-02 Parks and Open Space Code Clean-up, Chair Allen opened the meeting and described that the purpose of the hearing is to provide the public an opportunity to submit testimony concerning parks and open space.

Heather presented the Staff Report. She explained that language has been developed over several work sessions with the Commission and Parks Board as well as two listening sessions with the public. The changes proposed meet all regional, state and local standards. She explained what is being proposed are changes: to the definition section including items like townhomes vs. multi-family standards. Clarifying the definition of density and not requiring that these parks be removed from the density calculation. Additional changes include requiring open space for all Townhomes and removing the 2 acre minimum as well as a review of the Preliminary plat standards which refers to the subdivision portion of the code and open space requirements.

Chair Allen opened the hearing up for public testimony. There was no one in attendance to speak on the issue. Chair Allen closed the public testimony portion of the hearing and asked the Commissioners if they had any questions or concerns that needed to be discussed about the proposed language.

Commissioner Clifford asked about manufactured home parks. Heather explained that they have not been looked at by the Parks Board at this time, but can be in the future and can be addressed in the final phase of the code clean-up.

Commissioner Walker asked about attachment A4 and whether or not it should include “tot-lots”. A conversation continued about whether or not the term “tot lots” should be left in the language since tot lots are not something that wants to be encouraged or at least that ownership by the City is not encouraged. It was determined to strike the reference to “tot lots” from the wording.

Commissioner Griffin made a motion to recommend approval to City Council of PA 11-02 based on agency comments, public testimony, staff recommendations, findings of fact, applicant comments and conditions as revised.

The motion was seconded by Commissioner Copfer. A vote was taken and all present were in favor. The motion to recommend approval passed.

Chair Allen adjourned the meeting and moved onto the Work Session.

End of minutes.

**City of Sherwood
STAFF REPORT
File No: PA 11-03 Land Divisions, Public Infrastructure
and Site Plan Modifications**

August 16, 2011

Signed:



Michelle Miller, AICP, Associate Planner

Proposal: The City is in the process of a multi-phase code clean-up project with the goal of providing a more clear and usable code for both citizens and developers. The proposed amendments to add language to the code regarding subdivisions and partitions, public infrastructure and site plan modifications are attached to this report as Exhibits A. through D.

I. BACKGROUND

- A. Applicant: This is a City-initiated text amendment; therefore the applicant is the City of Sherwood.
- B. Location: The proposed amendment is to the text of the development code and, therefore applies citywide.
- C. Review Type: The proposed text amendment requires a Type V review, which involves public hearings before the Planning Commission and City Council. The Planning Commission will make a recommendation to the City Council who will make the final decision. Any appeal of the City Council decision would go directly to the Land Use Board of Appeals.
- D. Public Notice and Hearing: Notice of the August 23, 2011 Planning Commission hearing on the proposed amendment was published in *The Gazette* on 8/1/11 and *The Times* on 8/18/11. Notice was posted in 5 public locations around town and on the web site on 7/22/11. Regular updates were provided in the City newsletter.

While this does apply citywide, it does not affect the permissible uses of any property; therefore Measure 56 notice was not required or provided. DLCDC notice was provided 7/1/11.

- E. Review Criteria:
The required findings for the Plan Amendment are identified in Section 16.80.030 of the Sherwood Zoning and Community Development Code (SZCDC).
- F. Background:
The city began the comprehensive code clean-up project in 2010 as a way to update all sections of the code to provide clarity to citizens and developers and to address any local, county, regional or state standards that have gone into effect and that require changes to the code. The Planning Commission has reviewed and the City Council has adopted multiple sections of the Code recently including the topics: residential uses, variances, street trees, and open space requirements for subdivisions.

II. AFFECTED AGENCY, PUBLIC NOTICE, AND PUBLIC COMMENTS

Agencies:

The City sent request for comments to the standard agency notification list. The City has received no responses to date.

Public:

No formal public comments have been received to date on the proposed amendments; however the City and Commission have received input from the public during informal listening sessions and via public surveys. In addition, staff held a "brown bag" lunch meeting with private consultants and developers to get feedback on these issues.

III. REQUIRED FINDINGS FOR A PLAN TEXT AMENDMENT

The applicable Plan Text Amendment review criteria are 16.80.030.1 and 3.

16.80.030.1 - Text Amendment Review

An amendment to the text of the Comprehensive Plan shall be based upon the need for such an amendment as identified by the Council or the Commission. Such an amendment shall be consistent with the intent of the Comprehensive Plan, and with all other provisions of the Plan and Code, and with any applicable State or City statutes and regulations.

Need Identified

As discussed briefly above, the following proposed Code amendments were identified to clarify and create greater flexibility and organization for those that are seeking land use approval or modifications to existing site plans. The Planning Commission held a series of work sessions to discuss the proposed changes and considered public input before the changes were recommended. The following analyzes separately how the relevant chapters and divisions meet the need requirement.

Division VI. Public Infrastructure

This chapter regulates and describes standards for public improvements to the City's infrastructure when development occurs. Several of the provisions included in this chapter need reorganizing, updating or removal because they are better suited in other sections of the Municipal Code or are technical design standards better addressed in the Engineering Design and Standards Detail Manual. For example, the Street Renaming procedure is Council policy design and not a land use decision. The Street Design Modifications process is arbitrary and confusing so a clearer process that is initiated at the time of land use submittal has been developed.

Other steps that have been taken to improve the clarity of the document include:

- Technical street design standards have been removed
- Language was inserted to refer to the Transportation System Plan and Engineering Design Manual instead of a specific criteria described in the development code
- Language requiring a rough proportionality finding
- New requirements for when a Transportation Study is required

Division VII. Subdivisions, Partitions and Lot Line Adjustments

The current chapters are divided between the preliminary plat approval and the final plat approval. There is also a property or lot line adjustment chapter along with a chapter on lot design standard requirements. This has led to confusion regarding which standards and criteria apply to partitions, subdivisions and lot line adjustments. The proposed Code amendments reorganize these chapters into "subdivision" "partition" and "lot line adjustment" rather than "preliminary plat," "final plat" and "partitions." Currently, there is no specific subdivision chapter and the requirements for subdivisions are intermixed among the three chapters, causing confusion and misinterpretation of the requirements and

order of the process for the particular land division process. By reorganizing the chapters, it will make the submittal requirements, process and criteria easier for the applicant to locate based on the type of land division requested. It also helps to clarify the appropriate process for recording the final plat at Washington County and provides the appropriate deadlines for processing these applications. Other changes help provide greater flexibility in the development process including allowing the entire subdivision to have an overall "average lot size" rather than a minimum lot size for each individual lot. The provisions retain a maximum amount that a lot size can be "flexed" to ensure that lot sizes do not get reduced below a buildable or acceptable amount. The proposed changes also allow smaller subdivisions (4-10 lots) to follow a Type II (staff review) process. Finally, a new process was developed for re-platting and vacating plats to help make the process clear as the current code is silent on the issue.

Site Plan Modification § 16.90.030

Currently, the Sherwood Zoning and Community Development Code, Section 16.90.020.3.0, requires all "proposed changes" to approved site plans to be "submitted for supplemental review together with a fee equal to one-half (1/2) the original site plan review fee". This ambiguous, one-size-fits-all language has been a stumbling block to developers making changes, including improvements, to approved site plans. It has also resulted in staff reports in excess of 30 pages for a simple change to the parking layout or addition of a very small, accessory building to the site. While some proposed modifications to approved plans do warrant a full re-review, others can be processed quickly and efficiently at little cost to the developer or the community.

Upon review of the Comprehensive Plan, the following policies or strategies relate to all or some of the proposed amendments:

Comprehensive Plan and Code

Chapter 6 Transportation Goal 2

Develop a transportation system that is consistent with the City's adopted comprehensive land use plans and with the adopted plans of state local and regional jurisdictions. The proposed amendments to the public infrastructure chapter were evaluated to ensure that they were consistent with the adopted local, state and regional jurisdictions. Specifically, the amendments provide for added reference to the Transportation System Plan and clearer requirements for transportation studies.

Applicable Regional (Metro) standards

There are no known Metro standards that this proposed amendment would conflict with.

Consistency with Statewide Planning Goals

Goal 1- "Citizen Involvement"

The purpose statement of Goal 1 is "to develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process."

The proposed code changes do not include changes to the City's citizen involvement program, which is in compliance with Goal 1. Public outreach for this project includes informal listening sessions and staff held a "brown bag" lunch meeting with private consultants and developers to get feedback on these issues.

Goal 2- "Land Use Planning"

The purpose statement of Goal 2 is "to establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to ensure an adequate factual base for such decisions and actions".

The proposed code changes affect the land use process by making it easier to follow and use but do not change the way the land use application Code requirements are applied or the policy framework for which

they are established. The City's land use planning process and policy framework, which are in compliance with Goal 2, will not change.

16.80.030.2 – Transportation Planning Rule Consistency

A. Review of plan and text amendment applications for effect on transportation facilities. Proposals shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with OAR 660-12-0060 (the TPR). Review is required when a development application includes a proposed amendment to the Comprehensive Plan or changes to land use regulations.

FINDING: The amendments will not result in a change of uses otherwise permitted and will have no impact on the amount of traffic on the transportation system; therefore this policy is not applicable to the proposed amendment.

IV. RECOMMENDATION

Based on the above findings of fact, and the conclusion of law based on the applicable criteria, staff recommends Planning Commission forward a recommendation of approval of PA 11-03 to the City Council.

V. EXHIBITS

- A. Division VI. Public Infrastructure proposed code language with track changes
- B. Division VII. Subdivisions, Partitions, and Lot Line Adjustments proposed code language with track changes
- C. § 16.90 -Site Plan Modifications proposed code language with track changes
- D. § 16.72.010 Procedures for Processing Development Permits with track changes

Added Code language to the chapter are identified with blue underline and deletions are identified with ~~a red strikethrough~~ Moving text from one section to another is identified with green double strike through and where the language moved to is identified with green double underline.

Division VI.

~~PUBLIC IMPROVEMENTS~~INFRASTRUCTURE

Chapter 16.104

GENERAL PROVISIONS*

Sections:

16.104.010 ~~Standards~~ Purpose

16.104.020 Future Improvements

16.104.030 Improvement Procedures

* Editor's Note: Some sections may not contain a history.

16.104.010 ~~Standards~~ Purpose

To ensure the health, safety, and the economic stability of the community, and to establish a quality system of public improvements, the City shall require any proposed construction of buildings ~~and or~~ development for which public facilities and public rights-of-way are not fully provided or improved to current City standards, to install said improvements. ~~The Council may establish specifications to supplement the standards of this Code and other applicable ordinances.~~ Except as otherwise provided or authorized, private improvements serving substantially the same function as equivalent public facilities, shall generally be provided and improved at the standards established by this Code and other City regulations.

Green Street elements such as bioswales and porous pavement are encouraged where appropriate and feasible. Where a specific design standard supporting a green street concept is not included in the ~~Construction Standard Drawings~~Engineering Design and Standard Details Manual (Engineering Design Manual), the design will be considered by the Engineering Department, provided additional documentation is provided to the Engineering Department that documents the design is appropriate, has a design life equal to a traditional paved street, and the maintenance costs to the City are comparable to traditional streets. ~~can be maintained easily in that location.~~

(Ord. 2006-021; 2005-006 § 5; Ord. 86-851)

16.104.020 Future Improvements

The location of future public improvements including water, sanitary sewer, storm water, streets, bicycle and pedestrian paths, and other public facilities and rights-of-way, are identified within the Transportation System Plan (TSP) and as depicted in Chapters 4, 5, 6 and 7 of the Community Development Plan, are intended as general locations only. The precise alignments and locations of

public improvements shall be established during the actual development/land use process and shall be depicted on public improvement plans submitted and approved pursuant to Chapter 16.106 and 108 and other applicable sections of this Code.

(Ord. 2005-006 § 5; Ord. 86-851)

16.104.030 Improvement Procedures

Except as otherwise provided, all public improvements shall conform to City standards and specifications found in the Engineering Design Manual and ~~shall be~~ installed in accordance with Chapter 16.10106-8. The Council may establish specifications to supplement the standards of this Code and other applicable ordinances. Except for public projects constructed consistent with an existing facility plan, No public improvements shall be undertaken until land use approval has been granted, an a public improvement plan review fee has been paid, all improvement plans have been approved by the City, and an improvement permit has been issued.

(Ord. 2005-006 § 5; Ord. 86-851)

~~Chapter 16.106~~

~~IMPROVEMENT PLAN REVIEW*~~

~~Sections:~~

~~16.106.010 Preparation and Submission~~

~~16.106.020 Construction Permit~~

~~16.106.030 Construction~~

~~16.106.040 Acceptance of Improvements~~

~~* Editor's Note: Some sections may not contain a history.~~

~~16.106.010 Preparation and Submission~~

~~Required improvement plans shall be prepared and stamped by a Registered Civil Engineer certifying compliance with City specifications. Two (2) sets of said plans shall be submitted to the City for review. Improvements plans shall be accompanied by a review fee as per this Section.~~

~~A. Review Fee~~

~~Plan review fees are calculated as a percentage of the estimated total cost of improvements and are set by the "Schedule of Development and Business Fees" adopted by Resolution of the Council. This schedule is included herein for the purposes of information, but is deemed to be separate from and independent of this Code.~~

~~B. Engineering Agreement~~

~~A copy of an agreement or contract between the applicant and Registered Civil Engineer for:~~

- ~~1. Surveying sufficient to prepare construction plans;~~
- ~~2. Preparation of construction plans and specifications;~~
- ~~3. Construction staking, and adequate inspection;~~
- ~~4. Construction notes sufficient to develop accurate as-built plans;~~
- ~~5. Drawing of accurate as-built plans and submission of reproducible mylars to the City;~~
- ~~6. Certificate stating that construction was completed in accordance with required plans and specifications;~~

~~(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 91-922, § 3; Ord. 86-851, § 3)~~

~~16.106.020 Construction Permit~~

~~A. Approval~~

~~The City will return one (1) set of plans to the applicant marked "approved" or "modify and resubmit." Plans marked for re-submittal must be corrected in accordance with notations or instructions. After correction and approval, additional plans shall be provided the City for office use, field inspection and submittal to affected agencies.~~

~~B. Permit and Fee~~

~~Upon approval the applicant shall obtain a construction permit. The construction permit fee is set by the "Schedule of Development Fees", adopted by Resolution of the Council. This schedule is included herein for the purposes of information, but is deemed to be separate from and independent of this Code.~~

~~C. Easement Documents~~

~~Necessary construction and/or permanent easements shall be provided in a form acceptable to the City prior to issuance of a construction permit.~~

~~D. Improvement Guarantees~~

~~Prior to issuance of a construction permit the applicant shall file the following documents with the City:~~

- ~~1. Liability Insurance~~

~~———— Evidence of public liability and property damage insurance adequate to protect the applicant and the City from all claims for damage or personal injury.~~

~~———— 2. ——— Performance Bond~~

~~———— To assure full and faithful performance in the construction of required improvements in accordance with approved construction plans, the applicant shall provide security in an amount equal to one hundred percent (100%) of the estimated cost of the improvements. In the event the applicant fails to carry out all provisions of the approved improvements plans and the City has non-reimbursed costs or expenses resulting from such failure, the City shall call on the security for reimbursement. Security may be provided in the form of a surety bond executed by a surety company authorized to transact business in the State of Oregon, a cash deposit, or other form of security acceptable to the City.~~

~~(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 91-922, § 3; Ord. 86-851, § 3)~~

~~**16.106.030 Construction**~~

~~———— A. ——— Initiation of Construction~~

~~Actual improvements shall not begin, or after a discontinuance, be restarted until the City is notified in writing.~~

~~———— B. ——— Inspection~~

~~All construction shall be done to the City's specifications. The City shall perform inspections to verify compliance with approved plans and shall make a final inspection of the construction at such time as the improvements are complete. The City may require changes in typical sections and details, if unusual conditions warrant the change.~~

~~———— C. ——— As-Built Plans~~

~~A complete set of reproducible plans showing the public improvements as built shall be filed with the City upon completion of the improvements.~~

~~———— D. ——— Suspension of Improvements Activity~~

~~The City shall have the authority to cause a suspension of improvement construction or engineering when, in the opinion of the City, work is not being done to the City's satisfaction.~~

~~(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 86-851, § 3)~~

~~16.106.040 Acceptance of Improvements~~

~~———— A. ——— Final Inspection~~

~~At such time as all public improvements, except those specifically approved for later installation, have been completed, the applicant shall notify the City of the readiness for final inspection.~~

~~———— B. ——— Notification of Acceptance~~

~~The City shall give written notification of the acceptance of the improvements upon finding that the applicant has met the requirements of this Chapter and the specifications of all approved plans.~~

~~———— C. ——— Maintenance Bond~~

~~At the time of City acceptance of public improvements, the applicant shall file with the City a maintenance bond computed at ten percent (10%) of the full value of the improvements, to provide for correction of any defective work or maintenance becoming apparent or arising within one (1) year after final acceptance of the public improvements.~~

~~(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 86-851, § 3)~~

~~—Chapter 16.108~~

~~STREETS*~~ Chapter 16.106

TRANSPORTATION FACILITIES

Sections:

~~16.108~~106.010 Generally

~~16.108~~106.023 Required Improvements

~~16.108~~106.040-030 Location

~~16.108~~106.050-040 ~~Street~~ Design

~~16.108~~106.060-050 Sidewalks

~~16.108~~106.070-060 Hwy. 99W Capacity Allocation Program (CAP)

~~16.108~~106.080-070 Bike Paths

* Editor's Note: Some sections may not contain a history.

~~16.108~~106.010 Generally

A. Creation

Public streets shall be created in accordance with provisions of this Chapter. Except as otherwise provided, all street improvements and rights-of-way shall conform to standards for the City's functional classification of said streets, as shown on the Transportation Plan Map, shown in Figure 1, in Chapter 6 of the Community Development Plan, and in other applicable City standards. The following table depicts the guidelines for the street characteristics. (Insert Table) Attached Table

B. Street Naming

1. All streets created by the subdivision or partition process will be named prior to submission of the final plat.
2. Any street created by a public dedication shall be named prior to or upon acceptance of the deed of dedication.
3. An action to name an unnamed street in the City may be initiated by the Council or by a person filing a petition as described in this Section.
4. All streets named shall conform to the general requirements as outlined in this Section.
5. Private streets, at the request of the owner(s), may be named and addresses issued with the approval of the City. Private streets are subject to the same street name standards as are public streets. All private street signs will be provided at the owner(s) expense.

~~C. Street Renaming~~ *Note: Move to Municipal Code Title 12 on Streets, Sidewalks and Public Places

- ~~1. An action to rename a street in the City may be initiated by the Council:~~
 - ~~a. On its own action, or~~
 - ~~b. If a person files a petition as described in this section accompanied by a fee reasonably related to the costs of the process.~~
- ~~2. A petition for naming or renaming a street shall include the following:~~
 - ~~a. A statement of the reasons for the proposed name change.~~
 - ~~b. The names and addresses of all persons owning any real property abutting the road proposed to be renamed.~~

~~c. Signatures of either owners of sixty percent (60%) of the land abutting the subject road or sixty percent (60%) of the owners of land abutting the subject road.~~

~~3. Notice and Hearing~~

~~a. When a proceeding has been initiated under this section, the Council shall establish a time and place for a hearing to consider whether the proposed name change is in the public interest.~~

~~b. At least ten (10) days prior to the date of hearing, notice of the proposed name change shall be provided as follows:~~

~~(1) Notice by posting in no less than two (2) conspicuous places abutting the subject road; and~~

~~(2) Notice by publication in a newspaper of general circulation in the area of the subject road.~~

~~c. During or before a hearing under this section, any person may file information with the Council that alleges any new matter relevant to the proceedings or controverts any matter presented to the Council.~~

~~d. After considering the matters presented under this section, the Council shall determine whether the name change is in the public interest and shall adopt findings and an ordinance granting or denying the request.~~

~~e. When the ordinance becomes final, the Council shall cause the ordinance to be recorded with the County Clerk who shall cause copies of the ordinance to be filed with the Department of Public Works, the Department of Assessment and Taxation and with the County Surveyor.~~

~~f. For the purposes of this section, "owner" means the record holder of legal title to the land, except that if there is a purchaser of the land according to a recorded land sale contract, the purchaser is the owner.~~

DC. Street Name Standards

1. All streets named or renamed shall comply with the following criteria:
 - a. Major streets and highways shall maintain a common name or number for the entire alignment.
 - b. Whenever practicable, names as specified in this Section shall be utilized or retained.

- c. Hyphenated or exceptionally long names shall be avoided.
 - d. Similar names such as Farview and Fairview or Salzman and Saltzman shall be avoided.
 - e. Consideration shall be given to the continuation of the name of a street in another jurisdiction when it is extended into the City.
2. The following classifications (suffixes) shall be utilized in the assignment of all street names:
 - a. Boulevards: North/south arterials providing through traffic movement across the community.
 - b. Roads: East/west arterials providing through traffic movement across the community.
 - c. Avenues: Continuous, north/south collectors or extensions thereof.
 - d. Streets: Continuous, east-west collectors or extensions thereof.
 - e. Drives: Curvilinear collectors (less than 180 degrees) at least 1,000 feet in length or more.
 - f. Lanes: Short east/west local streets under 1,000 feet in length.
 - g. Terraces: short north/south local streets under 1,000 feet in length.
 - h. Court: All east/west cul-de-sacs.
 - i. Place: All north/south cul-de-sacs.
 - j. Ways: All looped local streets (exceeding 180 degrees).
 - k. Parkway: A broad landscaped collector or arterial.
 3. Except as provided for by this section, no street shall be given a name that is the same as, similar to, or pronounced the same as any other street in the City unless that street is an extension of an already-named street.
 4. All proposed street names shall be approved, prior to use, by the City.

ED. Preferred Street Names

Whenever practicable, historical names will be considered in the naming or renaming of public roads. Historical factors to be considered shall include, but not be limited to the following:

1. Original holders of Donation Land Claims in Sherwood.

2. Early homesteaders or settlers of Sherwood.
3. Heirs of original settlers or long-time (50 or more years) residents of Sherwood.
4. Explorers of or having to do with Sherwood.
5. Indian tribes of Washington County.
6. Early leaders and pioneers of eminence.
7. Names related to Sherwood's flora and fauna.
8. Names associated with the Robin Hood legend.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2005-006, § 5; Ord. 92-947, § 1; Ord. 91-922)

Note: Section 16.108.020, Street Systems Improvement Fees (SIF) was repealed by Ordinance 91-922 § 19) and permanently relocated in the Municipal Code).

16.108.106.030-020 Required Improvements

A. Generally

Except as otherwise provided, all developments containing or abutting an existing or proposed street, that is either unimproved or substandard in right-of-way width or improvement, shall dedicate the necessary right-of-way prior to the issuance of building permits and/or complete acceptable improvements prior to issuance of occupancy permits.

B. Existing Streets

Except as otherwise provided, when a development abuts an existing street, the improvements requirement shall apply to that portion of the street right-of-way located between the centerline of the right-of-way and the property line of the lot proposed for development. In no event shall a required street improvement for an existing street exceed a pavement width of thirty (30) feet.

C. Proposed Streets

1. Except as otherwise provided, when a development includes or abuts a proposed street, in no event shall the required street improvement exceed a pavement width of forty (40) feet.
2. Half Streets: When a half street is created, a minimum of 22 feet of driving surface shall be provided by the developer.

D. Extent of Improvements

1. Streets required pursuant to this Chapter shall be dedicated and improved consistent with Chapter 6 of the Community Development Plan, the Transportation System Plan and applicable City standards and specifications included in the City of Sherwood Construction Standards, and shall include curbs, sidewalks, catch basins, street lights, and street trees. Improvements shall also include any bikeways designated on the Transportation System Plan map. Applicants may be required to dedicate land and build required public improvements only when the required exaction is directly related to and roughly proportional to the impact of the development.

2. If the City could and would otherwise require the applicant to provide street improvements, the City Engineer may accept a future improvements guarantee in lieu of street improvements if one or more of the following conditions exist:
 - a. A partial improvement is not feasible due to the inability to achieve proper design standards;
 - b. A partial improvement may create a potential safety hazard to motorists or pedestrians.
 - c. Due to the nature of existing development on adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide a significant improvement to street safety or capacity;
 - d. The improvement would be in conflict with an adopted capital improvement plan;
 - e. The improvement is associated with an approved land partition on property zoned residential and the proposed land partition does not create any new streets; or
 - f. Additional planning work is required to define the appropriate design standards for the street and the application is for a project which would contribute only a minor portion of the anticipated future traffic on the street.

~~Catch basins shall be installed and connected to storm sewers and drainage ways. Upon completion of the improvements, monuments shall be re-established and protected in monument boxes at every public street intersection and all points of curvature and points of tangency of their center lines. Street signs shall be installed at all street intersections and street lights shall be installed and served from an underground source of supply unless other electrical lines in the development are not underground.~~

E. Street Transportation Facilities Modifications

1. Modifications to standards contained within this Chapter and Section 16.58.010 and the standard cross sections contained in Chapter 8 of the adopted Sherwood Transportation System Plan (TSP) may be granted in accordance with the procedures and criteria set out in this section.

2. ~~Types of Modifications.~~ Requests fall within the following two categories:

~~a. Administrative Modifications.~~ Administrative modification Modification requests concern the ~~construction of facilities, rather than their~~ general design of facilities, and are ~~limited to the following when a deviating deviation~~ from standards in this Chapter, Section ~~16.58.010, Engineering Design Manual or Chapter 8 contained~~ in the adopted Transportation System Plan. The following standards that may be modified through the following process include but are not limited to:

- ~~(1) Surfacing materials for roads or pedestrian facilities.~~
- ~~(2) Asphalt and/or base rock thickness less than required.~~
- ~~(3) Pavement marking layout.~~
- ~~(4) Exceeding the maximum street grade.~~
- ~~(5) Type and/or location of signage.~~
- ~~(6) Channelization.~~
- ~~(7) Intersection interior angles and curb radii less than required.~~
- ~~(8) Utilizing the current set of standards in lieu of the standards that were in place when the applicant's proposed project was vested.~~
- ~~(9) Access-related modifications onto collectors, arterials, and state routes provided other substantive criteria such as sight distance and limited access points are met; and provided further that access to a lesser classification of road is not available.~~
- ~~(10) Needed changes as a result of a field investigation during construction.~~
- ~~(11) Similar revisions to the standards.~~

~~b. Design Modifications.~~ Design modifications deal with the vertical and horizontal geometrics and safety related issues and include the following when deviating from this Chapter, Section 16.58.010 or Chapter 8 cross sections in the adopted Transportation System Plan:(1)a. Reduced sight distances.

- (2)b. Vertical alignment.
- (3)c. Horizontal alignment.
- (4)d. Geometric design (length, width, bulb radius, etc.).

- ~~(5)~~e. Design speed.
- ~~(6)~~f. Crossroads.
- ~~(7)~~g. Access policy.
- ~~8)~~h. A proposed alternative design which provides a plan superior to these standards.
- ~~(9)~~i. ~~All other standards.~~ Low impact development.

j. Access Management Plans

~~3. Procedure. A modification request shall be classified as an administrative decision by the City Engineer. When a modification is requested to provide a green street element that is not included in the Construction Standards, the below process shall be followed, however no fee shall be required.~~

~~a. Administrative Modification. Administrative modifications may be requested at any time and are processed as Type II applications, unless defined under (C)(2) below. The application shall include sufficient technical analysis to enable a reasoned decision and shall include a letter of concurrency from the City Engineer.~~

~~b. Design Modification~~ Procedure

~~a. Design M~~ odifications shall be proposed with the submittal for land use approval. ~~land-use approval.~~

~~in conjunction with the application for the underlying development proposal and~~

b. The modification is processed as a Type III application. ~~Design m~~ odification requests shall be processed in conjunction with the underlying development proposal, unless it is submitted subsequent to the decision for the underlying development proposal. The design modification application shall:

c. When a modification is requested to provide a green street element that is not included in the Engineering Design Manual, the modification process will apply, but the modification fee will be ~~waived.~~

~~(1) Include a written request stating the reasons for the request and the factors which would make approval of the request reasonable.~~

- ~~(2) Include a letter of Concurrency from the City Engineer.~~
- ~~(3) Be accompanied by a map showing the applicable existing conditions and proposed construction such as contours, wetlands, significant trees, lakes, streams and rivers, utilities, property lines, existing and proposed roads and driveways, existing and projected traffic patterns, and any unusual or unique conditions not generally found in other developments.~~
- ~~(4) In the case of modification requests based upon alleged disproportionality, include an engineering analysis of the standard sought to be modified which contrasts relevant traffic impacts from the development with the cost of complying with the standard.~~
- ~~(5) For crossroad and frontage construction and right-of-way dedication, the application shall include information indicating whether there are geographic or other factors which render connection/completion of the road unfeasible.~~

4. Criteria for Modification: ~~Street modifications~~ Modifications may be granted when criterion 4a and any one of criteria 4b through ~~4f~~ 4e are met:

~~a. A letter of concurrency is obtained from the City Engineer or designee. fa. In reviewing a modification request, c shall~~ Consideration shall be given to public safety, durability, cost of maintenance, function, appearance, and other appropriate factors, such as to advance the goals of the adopted Sherwood Comprehensive Plan and Transportation System Plan as a whole. Any modification shall be the minimum necessary to alleviate the hardship or disproportional impact.

- b. Topography, right-of-way, existing construction or physical conditions, or other geographic conditions impose an unusual hardship on the applicant, and an equivalent alternative which can accomplish the same design purpose is available.
- c. A minor change to a specification or standard is required to address a specific design or construction problem which, if not enacted, will result in an unusual hardship. Self-imposed hardships shall not be used as a reason to grant a modification request.
- d. An alternative design is proposed which will provide a plan equal to or superior to the existing street standards.
- e. Application of the standards of this chapter to the development would be grossly disproportional to the impacts created.

~~f. In reviewing a modification request, consideration shall be given to public safety, durability, cost of maintenance, function, appearance, and other appropriate factors, such as to~~

~~advance the goals of the adopted Sherwood Comprehensive Plan and Transportation System Plan as a whole. Any modification shall be the minimum necessary to alleviate the hardship or disproportional impact.~~ (Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; Ord. 2005-009 § 5; Ord. 91-922; Ord. 86- 851, § 3)

16.108106.040-030 Location

A. Generally

The location, width and grade of streets shall be considered in their relation to existing and planned streets, topographical conditions, and proposed land uses. The proposed street system shall provide adequate, convenient and safe traffic and pedestrian circulation, and intersection angles, grades, tangents, and curves shall be adequate for expected traffic volumes. Street alignments shall be consistent with solar access requirements as per Chapter 16.156, and topographical considerations.

B. Street Connectivity and Future Street Systems

1. Future Street Systems. The arrangement of public streets shall provide for the continuation and establishment of future street systems as shown on the Local Street Connectivity Map contained in the adopted Transportation System Plan (Figure 8-8). **Insert Picture**
2. Connectivity Map Required. New residential, commercial, and mixed use development involving the construction of new streets shall be submitted with a site plan that implements, responds to and expands on the Local Street Connectivity map contained in the TSP.

a. A project is deemed to be consistent with the Local Street Connectivity map when it provides a street connection in the general vicinity of the connection(s) shown on the map, or where such connection is not practicable due to topography or other physical ~~constraints~~, constraints; it shall provide an alternate connection approved by the Review Authority.

b. Where a developer does not control all of the land that is necessary to complete a planned street connection, the development shall provide for as much of the designated connection as practicable and not prevent the street from continuing in the future.

c. Where a development is disproportionately impacted by a required street connection, or it provides more than its proportionate share of street improvements along property

line (i.e., by building more than 3/4 width street), the developer shall be entitled to System Development charge credits, as determined by the City Engineer.

3. Block Length. For new streets except arterials, block length shall not exceed 530 feet. The length of blocks adjacent to arterials shall not exceed 1,800 feet.
4. Where streets must cross water features identified in Title 3 of the Urban Growth Management Functional Plan (UGMFP), provide crossings at an average spacing of 800 to 1,200 feet, unless habitat quality or length of crossing prevents a full street connection.
5. Where full street connections over water features identified in Title 3 of the UGMFP cannot be constructed in centers, main streets and station communities (including direct connections from adjacent neighborhoods), or spacing of full street crossings exceeds 1,200 feet, provide bicycle and pedestrian crossings at an average spacing of 530 feet, unless exceptional habitat quality or length of crossing prevents a connection.
6. Pedestrian and Bicycle Connectivity. Paved bike and pedestrian accessways consistent with cross section standards in Figure 8-6 of the TSP shall be provided on public easements or right-of-way when full street connections are not possible, with spacing between connections of no more than 300 feet. Multi-use paths shall be built according to the Pedestrian and Bike Master Plans in the adopted ~~TSP~~ [Transportation System Plan](#).
7. Exceptions. Streets, bike, and pedestrian connections need not be constructed when any of the following conditions exists:
 - a. Physical or topographic conditions make a street or accessway connection impracticable. Such conditions include but are not limited to freeways, railroads, steep slopes, wetlands or other bodies of water where a connection could not reasonably be provided.
 - b. Buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or
 - c. Where streets or accessways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995, which preclude a required street or accessway connection.

C. Underground Utilities

All public and private underground utilities, including sanitary sewers and storm water drains, shall be constructed prior to the surfacing of streets. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; Ord. 2005-017 § 5; Ord. 2005-009, § 5; Ord. 91-922; Ord. 86-851)

D. Additional Setbacks

Generally ~~Additional~~ additional setbacks apply when the width of a street right-of-way abutting a development is less than the standard width under the functional classifications in Section VI of the Community Development Plan. Additional setbacks are intended to provide unobstructed area for future street right-of-way dedication and improvements, in conformance with Section VI. Additional setbacks shall be measured at right angles from the centerline of the street.

TABLE INSET:

	Classification	Additional Setback
1.	Major-Principle Arterial <u>(99W)</u>	61 feet
2.	Minor Arterial	37 feet
3.	Collector	29 feet <u>32 feet</u>
4.	Local <u>Neighborhood Route</u>	26 feet <u>32 feet</u>
5.	<u>Local</u>	<u>26 feet</u>

16.108106.050-040 Street Design

Standard cross sections showing street design and pavement dimensions are located in the City of Sherwood Transportation System Plan, and City of Sherwood's ~~Design~~ Engineering Design and Standard Details Construction Manual.

A. Reserve Strips

Reserve strips or street plugs controlling access or extensions to streets shall not be allowed unless necessary for the protection of the public welfare or of substantial property rights. All reserve strips shall be dedicated to the City appropriate jurisdiction that maintains the street.

B. Alignment

All proposed streets shall, as far as practicable, be in alignment with existing streets. In no case shall the staggering of streets create a "T" intersection or a dangerous condition. Street offsets of less than one hundred (100) feet will not be allowed.

C. Future Extension

Where necessary to access or permit future subdivision or development of adjoining land, streets shall extend to the boundary of the proposed development and provide a roadway width necessary for the future development. Dead-end streets less than 100' in length shall ~~either~~ comply with ~~City cul-de-sac standards of Section 16.108.060, or shall provide an interim hammerhead turnaround at a location that~~

is aligned with the future street system as shown on the local street connectivity map. the Engineering Design Manual.

A durable sign shall be installed at the applicant's expense. These signs shall notify the public of the intent to construct future streets. The sign shall read as follows: "This road will be extended with future development. For more information contact the City of Sherwood at 503-625-4202."

D. Intersection Angles

~~1. Streets shall intersect as near to ninety (90) degree angles as practical, except where topography requires a lesser angle. In no all cases, the applicant shall comply with refer to the Engineering Design Manual. ~~shall the permitted angle be less than eighty (80) degrees without an approved special intersection design. Streets which contain an acute angle of less than eighty (80) degrees or which include an arterial street shall have a minimum corner radius sufficient to allow for a roadway edge radius of twenty (20) feet and maintain a uniform width between the roadway and the right-of-way line.~~~~

~~2. Arterial, collector streets, or neighborhood routes intersecting with another street shall have at least one hundred (100) feet on tangent adjacent to intersections unless topography requires a lesser distance. Local streets, except alleys, shall have at least fifty (50) feet on tangent adjacent to intersections.~~

E. Cul-de-sacs

1. All cul-de-sacs shall ~~be no more than one hundred (100) feet in length, shall not provide access to more than 15 dwelling units and shall~~ be used only when exceptional topographical constraints, existing development patterns, or compliance with other standards in this code preclude a street extension and circulation and shall be no more than two hundred (200) feet in length and shall not provide access to more than 25 dwelling units.

2. All cul-de-sacs shall terminate with a ~~circular turnaround no more than 40 feet in radius (i.e. from center to edge of pavement) or hammerhead~~ turnaround in accordance with the specifications in the Engineering Design and Construction Manual. The radius of circular turnarounds may be larger when they contain a landscaped island, parking bay in their center, Tualatin Valley Fire and Rescue submits a written request, or an industrial use requires a larger turnaround for truck access.

~~the near side of the intersecting street to the farthest point of the cu~~4.3. Public easements, tracts, or right-of-way shall provide paved pedestrian and bicycle accessways at least 6 feet wide where cul-de-sacs or dead-end streets are planned, to connect the ends of the streets together, connect to other streets, ~~and/or~~ connect to other existing or planned developments in accordance with the standards of this Chapter, ~~the~~ TSP and ~~other the Engineering Design and Standards Detail Manual City standards or provisions identified within this Code in order to preserve trees.~~

F. Grades and Curves

Grades shall be evaluated by the City Engineer and comply with the Engineering Design Manual. ~~not exceed six percent (6%) for arterials, ten percent (10%) for collector streets or neighborhood routes, and twelve percent (12%) for other streets. Center line radii of curves shall not be less than two hundred (200) feet for arterials or one hundred (100) feet for other streets. Where existing conditions, such as topography, make buildable sites impractical, steeper grades and sharper curves may be approved. Finished street grades shall have a minimum slope of one-half percent (1/2%).~~

G. Streets Adjacent to Railroads

Streets adjacent to railroads shall run approximately parallel to the railroad and be separated by a distance suitable to allow landscaping and buffering between the street and railroad. Due consideration shall be given at cross streets for the minimum distance required for future grade separations and to provide sufficient depth to allow screening of the railroad.

H. Buffering of Major Streets

Where a development abuts Highway 99W, or an existing or proposed principal arterial, arterial or collector street, or neighborhood route, adequate protection for residential properties shall be provided and through and local traffic shall be separated and traffic conflicts minimized. In addition, visual corridors pursuant to Section 16.142.030, and all applicable access provisions of Chapter 16.96, shall be met. Buffering may be achieved by: parallel access streets, lots of extra depth abutting the major street with frontage along another street, or other treatment suitable to meet the objectives of this Code.

I. Median Islands

As illustrated in Chapter 8 of the adopted Transportation System Plan, median islands may be required used on arterial or collector streets for the purpose of controlling access, providing for pedestrian safety or for aesthetic purposes.

~~J. Curbs~~

~~Except in the Old Town Overlay District where curbless (woonerf) streets are permitted, or as otherwise approved by the City Engineer, curbs shall be installed on both sides of public streets and shall be at least six (6) inches in height.~~ ~~K.J.~~ Transit Facilities

Developments along existing or proposed transit routes, as illustrated in Figure 7-2 in the TSP, shall be required to provide areas and facilities for bus turnouts, shelters, and other transit-related facilities to Tri-Met specifications. Transit facilities shall also meet the following requirements:

1. Locate buildings within 20 feet of or provide a pedestrian plaza at major transit stops.
2. Provide reasonably direct pedestrian connections between the transit stop and building entrances on the site.
3. Provide a transit passenger landing pad accessible to disabled persons (if not already existing to transit agency standards).
4. Provide an easement or dedication for a passenger shelter and underground utility connection from the new development to the transit amenity if requested by the public transit provider.
5. Provide lighting at a transit stop (if not already existing to transit agency standards).

~~K.~~ Traffic Controls

1. For proposed residential developments with over an estimated 200 average daily vehicle trips (ADT)~~For developments of five (5) acres or more,~~ the City ~~may require~~requires a traffic impact analysis to determine the number and types of traffic controls necessary to accommodate anticipated traffic flow. ~~Such analysis will be completed according to specifications established by the City. Review and approval of the analysis by the City, and any improvements indicated, shall be required prior issuance of a constructi~~2. For all other proposed developments including commercial, industrial or institutional uses with over an estimated 400 ADT or otherwise required by the City Engineer, the City requires a traffic impact analysis to determine the number and types of traffic controls necessary to accommodate anticipated traffic flow.

~~M.L.~~ Traffic Calming

1. The following roadway design features, including internal circulation drives, may be required by the City in new construction in areas where traffic calming needs are anticipated:
 - a. Curb extensions (bulb-outs).

- b. Traffic diverters/circles.
 - c. Alternative paving and painting patterns.
 - d. Raised crosswalks, speed humps, and pedestrian refuges.
 - e. Other methods demonstrated as effective through peer reviewed engineering studies.
2. With approval of the City Engineer, traffic calming measures such as speed humps and additional stop signs can be applied to mitigate traffic operations and/or safety problems on existing streets. They should not be applied with new street construction unless approved by the City Engineer and Tualatin Valley Fire & Rescue.

M.N. Vehicular Access Management

All developments shall have legal access to a public road. Access onto public streets shall be permitted upon demonstration of compliance with the provisions of adopted street standards in the ~~City of Sherwood Transportation Technical Standards and the standards of this Division~~ [Engineering Design Manual](#).

- 1. Measurement: See the following access diagram where R/W = Right-of-Way; and P.I. = Point-of-Intersection where P.I. shall be located based upon a 90 degree angle of intersection between ultimate right-of-way lines.
 - a. Minimum right-of-way radius at intersections shall conform to city standards.
 - b. All minimum distances stated in the following sections shall be governed by sight distance requirements according to [the City Engineering Design and Construction Manual](#).
 - c. All minimum distances stated in the following sections shall be measured to the nearest easement line of the access or edge of travel lane of the access on both sides of the road.
 - d. All minimum distances between accesses shall be measured from existing or approved accesses on both sides of the road.
 - e. Minimum spacing between driveways shall be measured from Point "C" to Point "C" as shown below:

GRAPHIC UNAVAILABLE: [Click here](#)

- 2. Roadway Access

No use will be permitted to have direct access to a street or road except as specified below. Access spacing shall be measured from existing or approved accesses on either side of a street or road. The lowest functional classification street available to the legal lot, including alleys within a public easement, shall take precedence for new access points.

a. Local Streets:

Minimum right-of-way radius is fifteen (15) feet. Access will not be permitted within ten (10) feet of Point "B," if no radius exists, access will not be permitted within twenty-five (25) feet of Point "A." Access points near an intersection with a Neighborhood Route, Collector or Arterial shall be located beyond the influence of standing queues of the intersection in accordance with AASHTO standards. This requirement may result in access spacing greater than ten (10) feet.

b. Neighborhood Routes:

Minimum spacing between driveways (Point "C" to Point "C") shall be fifty (50) feet with the exception of single family residential lots in a recorded subdivision. Such lots shall not be subject to a minimum spacing requirement between driveways (Point "C" to Point "C"). In all instances, access points near an intersection with a Neighborhood Route, Collector or Arterial shall be located beyond the influence of standing queues of the intersection in accordance with AASHTO standards. This requirement may result in access spacing greater than fifty (50) feet.

c. Collectors:

All commercial, industrial and institutional uses with one-hundred-fifty (150) feet or more of frontage will be permitted direct access to a Collector. Uses with less than one-hundred-fifty (150) feet of frontage shall not be permitted direct access to Collectors unless no other alternative exists.

_____ There joint access is available it shall be used, provided that such use is consistent with Section
_____ 16.96.040, Joint Access. No use will be permitted direct access to a Collector within one-
_____ hundred (100) feet of any present Point "A." Minimum spacing between driveways (Point "C" to
_____ Point "C") shall be one-hundred (100) feet. In all instances, access points near an intersection
_____ with a Collector or Arterial shall be located beyond the influence of standing queues of the
_____ intersection in accordance with AASHTO standards. This requirement may result in access
_____ spacing greater than one hundred (100) feet.

d. Arterials and Highway 99W - Points of ingress or egress to and from Highway 99W and arterials designated on the Transportation Plan Map, attached as Figure 1 of the Community Development Plan, Part II, shall be limited as follows:

(1) Single and two-family uses and manufactured homes on individual residential lots developed after the effective date of this Code shall not be granted permanent driveway ingress or egress from Highway 99W or arterials. If alternative public access is not available at the time of development, provisions shall be made for temporary access which shall be discontinued upon the availability of alternative access.

(2) Other private ingress or egress from Highway 99W and arterial roadways shall be minimized. Where alternatives to Highway 99W or arterials exist or are proposed, any new or altered uses developed after the effective date of this Code shall be required to use the alternative ingress and egress. Alternatives include shared or crossover access agreement between properties, consolidated access points, or frontage or backage roads. When alternatives do not exist, access shall comply with the following standards:

(a) Access to Highway 99W shall be consistent with ODOT standards and policies per OAR 734, Division 51, as follows: Direct access to an arterial or principal arterial will be permitted provided that Point 'A' of such access is more than six hundred (600) feet from any intersection Point 'A' or other access to that arterial (Point 'C').

(b) The access to Highway 99W will be considered temporary until an alternative access to public right-of-ways is created. When the alternative access is available the temporary access to Highway 99W shall be closed.

(3) All site plans for new development submitted to the City for approval after the effective date of this Code shall show ingress and egress from existing or planned local, neighborhood route or collector streets, including frontage or backage roads, consistent with the Transportation Plan Map and Chapter 6 of the Community Development Plan.

3. Exceptions to Access Criteria for City-Owned Streets

~~a.~~ a. Alternate points of access may be allowed if an access management plan which _____ maintains the classified function and integrity of the applicable facility is reviewed and _____ approved by the City Engineer ~~after considering the applicant's compliance with this Chapter~~ as part of land use submittal or modification as described in § 16.106.020 E. (Transportation — Facilities Modifications) and the Engineering Design Manual.

~~b. — An application for an Access Management Plan shall explain the need for the modification and demonstrate that the modification maintains the classified function and integrity of the facility. References to standards or publications used to prepare the Access Management Application shall be included with the application, including citations and numbers of engineering publications used to demonstrate compliance.~~

~~c. An access management plan shall address the safety and operational problems which would be encountered should a modification to the access spacing standards be granted. An access management plan shall be prepared and certified by a traffic or civil engineer registered in the State of Oregon. An access management plan shall at minimum contain the following:~~

~~(1) The minimum study area shall include the length of the site's frontage plus the distance of the applicable access spacing standard on each side of the subject property, as set forth in Section 16.108.050.N.2, measured from the property lines or access point(s), whichever is greater. For example, a property with 500 feet of frontage on an arterial (required 600 foot access spacing standard) shall have a minimum study area which is 1,700 (1,200 + 500) feet in length.~~

~~(2) The access management plan shall address the potential safety and operational problems associated with the proposed access point. The access management plan shall review both existing and future access for all properties within the study area as defined above.~~

~~(3) The access management plan shall include a comparison of all alternatives examined. At a minimum, the access management plan shall evaluate the proposed modification to the access spacing standard and the impacts of a plan utilizing the County standard for access spacing. Specifically, the access management plan shall identify any impacts on the operations and/or safety of the various alternatives.~~

~~(4) The access management plan shall include a list of improvements and recommendations necessary to implement the proposed access modification, specifically addressing all safety and operational concerns identified.~~

~~(5) Notice for a proposed access management plan shall include all property owners within the study area defined above.~~ **4b. - Access in the Old Town (OT) Overlay Zone**

a. Access points in the OT Overlay Zone shown in an adopted plan such as the Transportation System Plan, are not subject to the access spacing standards and do not need a variance. However, the applicant shall submit a partial access management plan for approval by the City Engineer. The approved plan shall be implemented as a condition of development approval.

~~b. Partial Access Management Plan.~~

~~(1) A partial access management plan shall include:~~

~~(a) Drawings identifying proposed or modified access points.~~

~~(b) A list of improvements and recommendations necessary to implement the proposed or modified access.~~

- ~~(c) A written statement identifying impacts to and mitigation strategies for facilities related to the proposed access points, especially considering safety impacts to all travel modes, operations, and the streetscape including on-street parking, tree spacing and pedestrian and bike facilities. The lowest functional classification street available to the lot, including alleys within a public easement, shall take precedence for new access points.~~
- ~~(2) Access permits shall be required even if no other land use approval is requested.~~

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; Ord. 2005-009, § 5; 2005-006, § 5; Ord. 86-__851)

16.118.050 N. Private Streets

1. The construction of new private streets, serving single-family residential developments shall be prohibited unless it provides principal access to two or fewer residential lots or parcels i.e. flag lots.
2. Provisions shall be made to assure private responsibility for future access and maintenance through recorded easements. Unless otherwise specifically authorized, a private street shall comply with the same standards as a public street identified in the Community Development Code and the Transportation System Plan.
3. A private street shall be distinguished from public streets and reservations or restrictions relating to the private street shall be described in land division documents and deed records.
4. A private street shall also be signed differently from public streets and include the words "Private Street".

~~16.108~~106.060 Sidewalks

A. Required Improvements

1. Except as otherwise provided, sidewalks shall be installed on both sides of a public street and in any special pedestrian way within new development.
2. For Highway 99W, ~~major or minor~~ arterials, or in special industrial districts, the ~~Commission~~City Manager or designee may approve a development without sidewalks if alternative pedestrian routes are available.
3. In the case of approved cul-de-sacs serving less than fifteen (15) dwelling units, sidewalks on one side only may be approved by the ~~Review Authority~~City Manager or designee.

B. ~~Sidewalk~~ Design Standards

1. Arterial and Collector Streets

Arterial and collector streets shall have minimum eight (8) foot wide sidewalks/multi-use path, located as required by this Code.

2. Local Streets

Local streets shall have minimum five (5) foot wide sidewalks, located as required by this Code.

3. Handicapped Ramps

Sidewalk handicapped ramps shall be provided at all intersections.

C. Pedestrian and Bicycle Paths

Provide bike and pedestrian connections on public easements or right-of-way when full street connections are not possible, with spacing between connections of no more than 330 feet except where prevented by topography, barriers such as railroads or highways, or environmental constraints such as rivers and streams.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2005-009, § 5; 2000-1103; Ord. 86-851)

~~Chapter 16.106108-~~

IMPROVEMENT PLAN REVIEW*

Sections:

16.106108.010 Preparation and Submission

16.106108.020 Construction Permit

16.106108.030 Construction

16.106108.040 Acceptance of Improvements

* Editor's Note: Some sections may not contain a history.

16.106108.010 Preparation and Submission

Required improvement plans shall be prepared and stamped by a Registered Civil Engineer certifying compliance with City specifications. Two (2) sets of said plans shall be submitted to the City for review. Improvements plans shall be accompanied by a review fee as per this Section.

A. Review Fee

Plan review fees are calculated as a percentage of the estimated total cost of improvements and are set by the "Schedule of Development and Business Fees" adopted by Resolution of the Council. This schedule is included herein for the purposes of information, but is deemed to be separate from and independent of this Code.

B. Engineering Agreement

A copy of an agreement or contract between the applicant and Registered Civil Engineer for:

1. Surveying sufficient to prepare construction plans.
2. Preparation of construction plans and specifications.
3. Construction staking, and adequate inspection.
4. Construction notes sufficient to develop accurate as-built plans.
5. Drawing of accurate as-built plans and submission of reproducible mylars for finals to the City.
6. Certificate stating that construction was completed in accordance with required plans and specifications.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 91-922, § 3; Ord. 86-851, § 3)

16.106108.020 Construction Permit

A. Approval

The City will return one (1) set of plans to the applicant marked "approved" or "approved as noted" "modify and resubmit." Plans marked for re-submittal must be corrected in accordance with notations or instructions. After correction and approval, additional plans shall be provided the City for office use, field inspection and submittal to affected agencies.

B. Permit and Fee

Upon approval the applicant shall obtain a construction permit. The construction permit fee is set by the "Schedule of Development Fees", adopted by Resolution of the Council. This schedule is included herein for the purposes of information, but is deemed to be separate from and independent of this Code.

C. Easement Documents

Necessary construction and/or permanent easements shall be provided in a form acceptable to the City prior to issuance of a construction permit.

D. Improvement Guarantees

Prior to issuance of a construction permit the applicant shall file the following documents with the City:

1. Liability Insurance

Evidence of public liability and property damage insurance adequate to protect the applicant and the City from all claims for damage or personal injury.

2. Performance Bond

To assure full and faithful performance in the construction of required improvements in accordance with approved construction plans, the applicant shall provide security in an amount equal to one hundred percent (100%) of the estimated cost of the improvements. In the event the applicant fails to carry out all provisions of the approved improvements plans and the City has non-reimbursed costs or expenses resulting from such failure, the City shall call on the security for reimbursement. Security may be provided in the form of a surety bond executed by a surety company authorized to transact business in the State of Oregon, or a cash deposit, or ~~other form of security acceptable to the City.~~

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 91-922, § 3; Ord. 86-851, § 3)

16.106108.030 Construction

A. Initiation of Construction

Actual improvements shall not begin, or after a discontinuance, be restarted until the City is notified in writing.

B. Inspection

All construction shall be done to the City's specifications. The City shall perform inspections to verify compliance with approved plans and shall make a final inspection of the construction at such time as the improvements are complete. The City may require changes in typical sections and details, if unusual conditions warrant the change.

C. As-Built Plans

A complete set of reproducible plans and an electronic copy of the base files in "AutoCad" or PDF format showing the public improvements as built shall be filed with the City upon completion of the improvements.

D. Suspension of Improvements Activity

The City shall have the authority to cause a suspension of improvement construction or engineering when, in the opinion of the City, work is not being done to the City's satisfaction.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 86-851, § 3)

16.106108.040 Acceptance of Improvements

A. Final Inspection

At such time as all public improvements, except those specifically approved for later installation, have been completed, the applicant shall notify the City of the readiness for final inspection.

B. Notification of Acceptance

The City shall give written notification of the acceptance of the improvements upon finding that the applicant has met the requirements of this Chapter and the specifications of all approved plans.

C. Maintenance Bond

At the time of City acceptance of public improvements, the applicant shall file with the City a maintenance bond computed at ten percent (10%) of the full value of the improvements, to provide for correction of any defective work or maintenance becoming apparent or arising within ~~one-two~~ (12) years after final acceptance of the public improvements.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 86-851, § 3)

~~16.118.050 Private Streets construction of new private streets, serving single-family residential developments shall be prohibited unless it provides principal access to two or fewer residential lots or parcels i.e. flag lots. Provisions shall be made to assure private responsibility for future access and maintenance through recorded easements. Unless otherwise specifically authorized, a private street shall comply with the same standards as a public street identified in the Community Development Code and the Transportation System Plan. A private street shall be distinguished from public streets and reservations or restrictions relating to the private street shall be described in land division documents and deed records. A private street shall also be signed differently from public streets and include the words "Private Street".~~

Chapter 16.106

IMPROVEMENT PLAN REVIEW*

Sections:

16.106.010 Preparation and Submission

16.106.020 Construction Permit

16.106.030 Construction

16.106.040 Acceptance of Improvements

* Editor's Note: Some sections may not contain a history.

16.106.010 Preparation and Submission

Required improvement plans shall be prepared and stamped by a Registered Civil Engineer certifying compliance with City specifications. Two (2) sets of said plans shall be submitted to the City for review. Improvements plans shall be accompanied by a review fee as per this Section.

A. Review Fee

Plan review fees are calculated as a percentage of the estimated total cost of improvements and are set by the "Schedule of Development and Business Fees" adopted by Resolution of the Council. This schedule is included herein for the purposes of information, but is deemed to be separate from and independent of this Code.

B. Engineering Agreement

A copy of an agreement or contract between the applicant and Registered Civil Engineer for:

1. Surveying sufficient to prepare construction plans.
2. Preparation of construction plans and specifications.
3. Construction staking, and adequate inspection.
4. Construction notes sufficient to develop accurate as-built plans.
5. Drawing of accurate as-built plans and submission of reproducible mylars to the City.
6. Certificate stating that construction was completed in accordance with required plans and specifications.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 91-922, § 3; Ord. 86-851, § 3)

16.106.020 Construction Permit

A. Approval

The City will return one (1) set of plans to the applicant marked "approved" or "modify and resubmit." Plans marked for re-submittal must be corrected in accordance with notations or instructions. After correction and approval, additional plans shall be provided the City for office use, field inspection and submittal to affected agencies.

B. Permit and Fee

Upon approval the applicant shall obtain a construction permit. The construction permit fee is set by the "Schedule of Development Fees", adopted by Resolution of the Council. This schedule is included herein for the purposes of information, but is deemed to be separate from and independent of this Code.

C. Easement Documents

Necessary construction and/or permanent easements shall be provided in a form acceptable to the City prior to issuance of a construction permit.

D. Improvement Guarantees

Prior to issuance of a construction permit the applicant shall file the following documents with the City:

1. Liability Insurance

Evidence of public liability and property damage insurance adequate to protect the applicant and the City from all claims for damage or personal injury.

2. Performance Bond

To assure full and faithful performance in the construction of required improvements in accordance with approved construction plans, the applicant shall provide security in an amount equal to one hundred percent (100%) of the estimated cost of the improvements. In the event the applicant fails to carry out all provisions of the approved improvements plans and the City has non-reimbursed costs or expenses resulting from such failure, the City shall call on the security for reimbursement. Security may be provided in the form of a surety bond executed by a surety company authorized to transact business in the State of Oregon, a cash deposit, or other form of security acceptable to the City.

{Ord. No. 2010-015, § 2, 10-5-2010; Ord. 91-922, § 3; Ord. 86-851, § 3}

16.106.030 Construction

A. Initiation of Construction

Actual improvements shall not begin, or after a discontinuance, be restarted until the City is notified in writing.

B. Inspection

All construction shall be done to the City's specifications. The City shall perform inspections to verify compliance with approved plans and shall make a final inspection of the construction at such time as the improvements are complete. The City may require changes in typical sections and details, if unusual conditions warrant the change.

C. As-Built Plans

A complete set of reproducible plans showing the public improvements as built shall be filed with the City upon completion of the improvements.

D. Suspension of Improvements Activity

The City shall have the authority to cause a suspension of improvement construction or engineering when, in the opinion of the City, work is not being done to the City's satisfaction.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 86-851, § 3)

16.106.040 Acceptance of Improvements

A. Final Inspection

At such time as all public improvements, except those specifically approved for later installation, have been completed, the applicant shall notify the City of the readiness for final inspection.

B. Notification of Acceptance

The City shall give written notification of the acceptance of the improvements upon finding that the applicant has met the requirements of this Chapter and the specifications of all approved plans.

C. Maintenance Bond

At the time of City acceptance of public improvements, the applicant shall file with the City a maintenance bond computed at ten percent (10%) of the full value of the improvements, to provide for correction of any defective work or maintenance becoming apparent or arising within one (1) year after final acceptance of the public improvements.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 86-851, § 3)

C. Street Renaming

1. An action to rename a street in the City may be initiated by the Council:

a. On its own action; or

b. If a person files a petition as described in this section accompanied by a fee reasonably related to the costs of the process.

2. A petition for naming or renaming a street shall include the following:

a. A statement of the reasons for the proposed name change.

b. The names and addresses of all persons owning any real property abutting the road proposed to be renamed.

c. Signatures of either owners of sixty percent (60%) of the land abutting the subject road or sixty percent (60%) of the owners of land abutting the subject road.

3. Notice and Hearing

a. When a proceeding has been initiated under this section, the Council shall establish a time and place for a hearing to consider whether the proposed name change is in the public interest.

b. At least ten (10) days prior to the date of hearing, notice of the proposed name change shall be provided as follows:

(1) Notice by posting in no less than two (2) conspicuous places abutting the subject road; and

(2) Notice by publication in a newspaper of general circulation in the area of the subject road.

~~c. During or before a hearing under this section, any person may file information with the Council that alleges any new matter relevant to the proceedings or controverts any matter presented to the Council.~~

~~d. After considering the matters presented under this section, the Council shall determine whether the name change is in the public interest and shall adopt findings and an ordinance granting or denying the request.~~

~~e. When the ordinance becomes final, the Council shall cause the ordinance to be recorded with the County Clerk who shall cause copies of the ordinance to be filed with the Department of Public Works, the Department of Assessment and Taxation and with the County Surveyor.~~

~~f. For the purposes of this section, "owner" means the record holder of legal title to the land, except that if there is a purchaser of the land according to a recorded land sale contract, the purchaser is the owner.~~

This section is proposed to be deleted from the development code and placed into the Municipal Code, Title 12 Streets, Sidewalks and Public Spaces

C. Street Renaming

~~1. An action to rename a street in the City may be initiated by the Council:~~

~~a. On its own action; or~~

~~b. If a person files a petition as described in this section accompanied by a fee reasonably related to the costs of the process.~~

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~~a. A statement of the reasons for the proposed name change.~~

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(1) Notice by posting in no less than two (2) conspicuous places abutting the subject road; and

(2) Notice by publication in a newspaper of general circulation in the area of the subject road.

c. During or before a hearing under this section, any person may file information with the Council that alleges any new matter relevant to the proceedings or controverts any matter presented to the Council.

d. After considering the matters presented under this section, the Council shall determine whether the name change is in the public interest and shall adopt findings and an ordinance granting or denying the request.

e. When the ordinance becomes final, the Council shall cause the ordinance to be recorded with the County Clerk who shall cause copies of the ordinance to be filed with the Department of Public Works, the Department of Assessment and Taxation and with the County Surveyor.

f. For the purposes of this section, "owner" means the record holder of legal title to the land, except that if there is a purchaser of the land according to a recorded land sale contract, the purchaser is the owner.

Division VII.-LAND DIVISIONS

SUBDIVISIONS, ~~AND~~ PARTITIONS, LOT LINE ADJUSTMENTS AND MODIFICATIONS

Chapter 16.120

~~GENERAL PROVISIONS~~ SUBDIVISIONS*

Sections:

16.120.010 Purpose

16.120.020 General Subdivision Provisions

16.120.030 ~~Platting Authority~~ Approval Procedure: Preliminary Plat

16.120.040 Approval Criteria: Preliminary Plat

16.120.050 Final Subdivision Plat

16.120.060 Improvement Agreement

16.120.070 Bond

16.120.080 Filing and Recording

* Editor's Note: Some sections may not contain a history.

16.120.010 Purpose

Subdivision ~~and land partitioning~~ regulations are intended to promote the public health, safety and general welfare; lessen traffic congestion; provide adequate light and air; prevent overcrowding of land; and facilitate adequate water supply, sewage and drainage.

(Ord. 86-851, § 3)

16.120.020 General Subdivision Provisions

A. Approval of a subdivision occurs through a two-step process: the preliminary plat and the final plat.

1. The preliminary plat shall be approved by the Approval Authority before the final plat can be submitted for approval consideration; and

2. The final plat shall reflect all conditions of approval of the preliminary plat.

B. All subdivision proposals shall conform to all state regulations set forth in ORS Chapter 92,

Subdivisions and Partitions.

C. Future re-division

When subdividing tracts into large lots, the Approval Authority shall require that the lots be of such size and shape as to facilitate future re-division in accordance with the requirements of the zoning district and this title.

D. Lot averaging

Lot size may be averaged to allow lots less than the minimum lot size allowed in the underlying zoning district subject to the following regulations:

1. ~~the~~ The average lot area for all lots is not less than allowed by the underlying zoning district.
2. No lot created under this provision shall be less than 80% of the minimum lot size allowed in the underlying zoning district.

BE. Future Partitioning

When subdividing tracts into large lots which may be resubdivided, the City shall require that the lots be of a size and shape, and apply additional building site restrictions, to allow for the subsequent division of any parcel into lots of smaller size and the creation and extension of future streets.

GF. Required Setbacks

All required building setback lines as established by this Code, shall be shown in the preliminary subdivision plat ~~or included in the deed restrictions.~~

DG. Property Sales

No property shall be disposed of, transferred, or sold until required subdivision approvals are obtained, pursuant to this Code.

16.120.020-030 ~~Platting Authority~~ Approval Procedure-Preliminary Plat

A. Approval Authority

1. The approving authority for preliminary and final plats of subdivisions shall be in accordance with Section 16.72.010 of this Code.

a. A subdivision application for 4-10 lots will follow a Type II review process.

b. A subdivision application for 11-50 lots will follow a Type III review process.

c. A subdivision application for over 50 lots will follow a Type IV review process.

2. Approval of subdivisions ~~and partitions~~ is required in accordance with this Code before a plat for ~~any such subdivision or partition~~ may be filed or recorded with Washington County. Appeals to a ~~decision~~ may be filed pursuant to Chapter 16.76.

~~B. Future Partitioning~~

~~When subdividing tracts into large lots which may be resubdivided, the City shall require that the lots be of a size and shape, and apply additional building site restrictions, to allow for the subsequent division of any parcel into lots of smaller size and the creation and extension of future streets.~~

~~C. Required Setbacks~~

~~All required building setback lines as established by this Code, shall be shown in the subdivision plat or included in the deed restrictions.~~

~~D. Property Sales~~

~~No property shall be disposed of, transferred, or sold until required subdivision or partition approvals are obtained, pursuant to this Code.~~

B. Phased Development

1. The Approval Authority may approve a time schedule for developing a subdivision in phases, but in no case shall the actual construction time period for any phase be greater than two years without reapplying for a preliminary plat.
2. The criteria for approving a phased site development review proposal are:
 - a. The public facilities shall be scheduled to be constructed in conjunction with or prior to each phase to ensure provision of public facilities prior to building occupancy;
 - b. The development and occupancy of any phase shall not be dependent on the use of temporary public facilities:
 - (1) For purposes of this subsection, a temporary public facility is an interim facility not constructed to the applicable City or district standard; and
 - (2) The phased development shall not result in requiring the City or other property owners to construct public facilities that were required as a part of the approval of the preliminary plat.
3. The application for phased development approval shall be reviewed concurrently with the preliminary plat application and the decision may be appealed in the same manner as the preliminary plat.

~~C. Required Findings~~ 16.120.040 Approval Criteria: Preliminary Plat

No preliminary plat shall be approved unless:

~~1A.~~ Streets and roads conform to plats approved for adjoining properties as to widths, alignments, grades, and other standards, unless the City determines that the public interest is served by modifying streets or road patterns.

~~2B.~~ Streets and roads held for private use are clearly indicated on the preliminary plat and all reservations or restrictions relating to such private roads and streets are set forth thereon.

~~3C.~~ The plat complies with applicable zoning district standards and design standards in Division II, and all provisions of Divisions IV, VI, VIII and IX. The subdivision complies with Chapter 16.128 (Land Division Design Standards).

~~4D.~~ Adequate water, sanitary sewer, and other public facilities exist to support the use of land proposed in the plat.

E. The plat complies with the land division design standards found in § 16.128-Land Division Design Standards.

~~5.F.~~ Development of additional, contiguous property under the same ownership can be accomplished in accordance with this Code.

~~6G.~~ Adjoining land can either be developed independently or is provided access that will allow development in accordance with this Code.

~~7H.~~ Tree and woodland inventories have been submitted and approved as per Section 16.142.060.

I. The preliminary plat clearly shows the proposed lot numbers, setbacks, dedications and easements.

~~8.J.~~ A minimum of five percent (5%) open space has been provided per § 16.44.B.8 (Townhome-Standards) or §16.142.020(Parks, Open Spaces and Trees-Single-Family Residential Subdivisions), if applicable. *NOTE: Added with PA 11-02- Parks and Open Space in New Subdivisions.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 98-1053, § 1; Ord. 94-991, § 1; Ord. 91-922, § 3; Ord. 86-851)

~~(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 98-1053 § 1; Ord. 86-851, § 3)~~

Chapter 16.122

PRELIMINARY PLATS*

Sections:

16.122.010 Generally

* Editor's Note: Some sections may not contain a history.

16.122.010 Generally

A. — Approval Required

All subdivisions and partitions are subject to preliminary plat approval through the Type II, Type III or Type IV review processes. Approval of the preliminary plat shall not constitute final acceptance of the plat for recording. Approval shall however, be binding upon the City for the purpose of preparation of the final plat or map, and the City may only require such changes in the plat or map as are necessary for compliance with the terms of preliminary plat approval.

B. — Action

The City shall review preliminary plat applications submitted in accordance with Section 16.70 and approve, approve with conditions, or deny the application. Conditions may be imposed by the Hearing Authority if necessary to fulfill the requirements of the adopted Comprehensive Plan, Transportation System Plan or the Zoning and Community Development Code. The action of the City shall be noted on two (2) copies of the preliminary plat, including references to any attached documents describing any conditions or restrictions. One (1) copy shall be returned to the applicant with a notice of decision and one (1) retained by the City along with other applicable records.

Chapter 16.124

FINAL PLATS*

Sections:

16.124.010 Generally

16.124.020 Final Plat Review

16.124.030 Creation of Streets

* Editor's Note: Some sections may not contain a history.

16.124.010 Generally [16.120.050 Final Subdivision Plat](#)

A. ~~Time Limits~~ Procedure

~~1. Unless otherwise noted below, Within two (2) years after approval of the preliminary plat, a final plat shall be submitted.~~ final subdivision approval includes meeting all conditions from the land use approval, review and approval by County, and the signature of the City's designee on the mylar.

~~2.~~ The subdivider shall submit ~~to the City six (6) copies of~~ the final plat, and all supplementary information required by the Planning Department or pursuant to this Code.

~~3.~~ Upon approval of the final plat drawing, the applicant may submit the mylar for final signature.

~~4.~~ All requirements for signature of the mylar shall be completed within two years of approval of the final plat.

B. Extensions

~~After the expiration of the two (2) year period following preliminary plat approval, the plat must be resubmitted for new approval.~~ If the final plat is not approved within two (2) years, the preliminary plat approval shall expire and a new plat must be submitted. However, ~~T~~the City may, upon written request by the applicant, grant a single extension up to one (1) year upon a written finding that the facts upon which approval was based have not changed to an extent sufficient to warrant refiling of the preliminary plat and that no other development approval would be affected. For preliminary plat approvals granted ~~on or after~~ between January 1, 2007 ~~through~~ and December 31, 2009, the approval shall be extended until December 31, 2013.

~~C. —~~ Staging

~~The City may authorize platting and development to proceed in stages that exceed two (2) years, but in no case shall the total time period for all stages be greater than five (5) years. Each stage shall conform to the applicable requirements of this Code. Portions platted or developed after the passage of two (2) years may be required to be modified in accordance with any change to the Comprehensive Plan or this Code.~~

~~D.C.~~ ~~Shown on Plat~~ Approval Criteria: Final Plat

~~The following information shall be shown on the final plat:~~ By means of a Type I procedure, the City shall review the final plat based on findings regarding compliance with the following criteria:

1. The final plat is consistent in design (e.g., number and dimensions of lots, easements, tracts,

right-of-way) with the approved preliminary plat, and all conditions of approval have been satisfied;

2. All public improvements required by the preliminary plat have been installed and approved by the City Engineer or appropriate service provider (e.g., road authority). Alternatively, the developer has provided a performance guarantee in accordance with § 16.120.070.
3. The streets and roads for public use are dedicated without reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public utilities;
4. The plat and deed contain a dedication to the public of all public improvements, including but not limited to streets, public pathways and trails, access reserve strips, parks, sewage disposal, storm drainage and water supply systems;
5. The applicant has provided copies of all recorded homeowners association Covenants, Conditions and Restrictions (CC&R's); deed restrictions; private easements and agreements (e.g., for access, common areas, parking, etc.); and other recorded documents pertaining to common improvements recorded and referenced on the plat;
6. The plat complies with the applicable Sections of this code (i.e., there have been no changes in land use or development resulting in a code violation since preliminary plat approval);
7. Certification by the City or service district, as applicable, that water and sanitary sewer service is available to every lot depicted on the plat; or bond, contract or other assurance has been provided by the subdivider/partitiner to the City that such services will be installed in accordance Division VI of this Code, and the bond requirements of 16.120.070. The amount of the bond, contract or other assurance by the subdivider/partitioner shall be determined by a registered professional engineer, subject to review and approval by the City;
8. The plat contains an affidavit by the surveyor who surveyed the land, represented on the plat to the effect the land was correctly surveyed and marked with proper monuments as provided by ORS Chapter 92, indicating the initial point of the survey, and giving the dimensions and kind of such monument and its reference to some corner established by the U.S. Geological Survey, or giving two or more permanent objects for identifying its location.

~~1. ——— Date of approval, scale, north arrow, legend, and controlling topography such as creeks,~~

highways, and railroads.

2. — Legal description of the plat boundaries.

3. — Existing surveys related to the plat by distances and bearings, and referenced as follows:

— a. — The location and description of all stakes, monuments, and other evidence used to determine the boundaries of the subdivision.

— b. — Adjoining corners of all contiguous subdivisions.

— c. — Section, township, range, donation land claim lines and boundaries of any lots within previously recorded subdivision plats within or adjacent to the plat.

— d. — Location and description of all monuments found or established in making the survey of the subdivision or required to be installed by the provisions of this Code.

4. — Tract, block and lot boundary lines, and street rights-of-way and centerlines, with dimensions, bearings, radii, arcs, delta angles, points of curvature and tangent bearings. Normal highwater lines for any creek or other body of water shall be shown. Error of closure shall be within the limits of one (1) foot in four thousand (4,000) feet. No ditto marks shall be used. Lots containing one (1) acre or more shall be shown to the nearest 0.01 feet. Bearings shall be shown to the nearest thirty (30) seconds with basis of bearings.

5. — The width of streets being dedicated, the width of any existing rights-of-way, and the widths on each side of the centerline. For streets on curvature, curve data shall be based on the street centerline, and in addition to centerline dimensions shall indicate the radius and central angle. This data may be shown in a table.

6. — Easements within or adjacent to the plat denoted by fine dotted lines, clearly identified, and, if already of record, a recorded reference. If any easement is not of record, a statement of the easement showing the widths of the easement and the lengths and bearings of the lines thereof, and sufficient ties thereto, shall be properly referenced in the certificate of dedication.

7. — Lot numbers beginning with the number "1" and numbered consecutively in each block. Block numbers, if used, should begin with the number "1" and continue consecutively without omission or duplication. The numbers shall be solid, of sufficient size and thickness to stand out, and so placed as not to obliterate any figure. Block numbers in addition to a subdivision of the same name shall be a continuation of the numbering in the plat last filed.

8. — Land parcels to be dedicated for any purpose are to be distinguished from lots intended for sale, and titled to identify their intended use.

9. — The following certificates, which may be combined where appropriate:

- ~~_____ a. _____ A certificate signed and acknowledged by all parties having any record title interest in~~
~~_____ and to the land subdivided, consenting to the preparation and recording of the map and~~
~~_____ dedicating all parcels of land shown on the final map and intended for public use.~~
- ~~_____ b. _____ An affidavit signed by the engineer or the surveyor responsible for the survey and final~~
~~_____ map, the signature of such engineer or surveyor to be accompanied by a professional seal.~~
- ~~_____ c. _____ Provisions for all other certifications required.~~

~~E. _____ Submitted With Plat~~

~~The following information shall be submitted with the final plat:~~

- ~~-1. _____ A preliminary title report issued by a title insurance company in the name of the owner of the~~
~~land, showing the interest of all parties.~~
- ~~2. _____ Sheets and drawings showing the following:~~
 - ~~_____ a. _____ Traverse data showing the error of closure, including the coordinates of the boundary of~~
~~_____ the subdivision and ties to section corners and donation land claim corners.~~
 - ~~_____ b. _____ Ties to existing monuments, proposed monuments, adjacent subdivisions, street~~
~~_____ corners, and state highway stationing.~~
- ~~-3. _____ Copies of any deed restrictions and dedications, including building setbacks.~~
- ~~-4. _____ Proof that all taxes and assessments on the tract are paid for the current year.~~

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. No. 2010-06, § 2, 4-6-2010; Ord. 2003-1148, § 3; Ord. 98-1053 § 1; Ord. 86-851, § 3)

16.120.060 Improvement Agreement

16.124.020 Final Plat Review

A. Subdivision Agreement

The subdivider shall either install required improvements and repair existing streets and other public facilities damaged in the development of the subdivision pursuant to the Division VI, or execute and file

with the City an agreement specifying the period within which all required improvements and repairs shall be completed, and providing that if such work is not completed within the period specified, the City may complete the same and recover the full cost and expense thereof from the subdivider. Such agreement may also provide for the construction of the improvements in stages.

B. Performance Security

The subdivider shall provide monetary assurance of full and faithful performance in the form of a bond, cash, or other security acceptable to the City in an amount equal to one hundred percent (100%) of the estimated cost of the improvements.

~~A. Approval~~

~~The final plat shall provide for the dedication of all streets for which approval has been given by the City. Approval of the final plat shall constitute acceptance of street dedications.~~

~~B. Exceptions~~

~~The Council, upon recommendation by the City Manager, may approve the creation and dedication of a street without full compliance with this Code. The applicant may be required to submit additional information and justification necessary to determine the proposal's acceptability. The City may attach such conditions as necessary to provide conformance to the standards of this Code. One or more of the following conditions must apply:~~

- ~~1. The street creation is required by the City and is essential to general traffic circulation.~~
- ~~2. The tract in which the road or street is to be dedicated is an isolated ownership of one (1) acre or less.~~

~~C. Easements~~

~~Any access which is created to allow partitioning for the purpose of development, or transfer of ownership shall be in the form of a dedicated street, provided however that easements may be allowed when:~~

- ~~1. The access is to a parcel exceeding five (5) acres in size, and used for agriculture, horticulture, grazing, or timber growing, or~~
- ~~2. The easement is the only reasonable method by which the rear portion of an unusually deep lot, large enough to warrant partitioning into two (2) or more parcels, may obtain access. Such easement shall conform to all other access provisions of this Code.~~

~~(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 86-851, § 3)~~

~~c. Utilities~~

~~Easements for sewers, drainage, water mains, electric lines, or other utilities shall be dedicated or provided for by deed. Easements shall be a minimum of ten (10) feet in width and centered on rear or side lot lines; except for tie-back easements, which shall be six (6) feet wide by twenty (20) feet long on side lot lines at the change of direction.~~

~~d. — Drainages~~

~~Where a subdivision is traversed by a watercourse, drainage way, channel or street, drainage easements or rights-of-way shall be provided conforming substantially to the alignment and size of the drainage.~~

~~{Ord. No. 2010-015, § 2, 10-5-2010; Ord. 86-851, § 3}~~

16.120.070 Bond

A. Performance guarantee required. As required by Section 16.120.060, the subdivider shall file with the agreement an assurance of performance supported by one of the following:

1. A surety bond executed by a surety company authorized to transact business in the state of Oregon which remains in force until the surety company is notified by the City in writing that it may be terminated; or

2. Cash.

B. Determination of sum. The assurance of performance shall be for a sum determined by the City Engineer as required to cover the cost of the improvements and repairs, including related engineering and incidental expenses.

C. Itemized improvement estimate. The subdivider shall furnish to the City Engineer an itemized improvement estimate, certified by a registered civil engineer, to assist the City Engineer in calculating the amount of the performance assurance.

D. When subdivider fails to perform. In the event the subdivider fails to carry out all provisions of the agreement and the City has un-reimbursed costs or expenses resulting from such failure, the City shall call on the bond, cash deposit for reimbursement.

E. Termination of performance guarantee. The subdivider shall not cause termination of nor allow expiration of said guarantee without having first secured written authorization from the City.

~~C. — Staff Review~~

~~If City review determines that the final plat is in full conformance with the preliminary plat and this Code, the final plat shall be referred to the City Manager or his/her designee for final approval. If the final plat is not in full conformance, the subdivider shall be advised of necessary changes or additions.~~

16.120.080 Filing and Recording of Final Subdivision Plat

~~D. — Plat Approval~~

A. County Review

When the City ~~Manager or his/her designee~~ determines that the plat conforms to all requirements, the plat shall be authorized for review by the County. ~~Approved. Approval of the plat does not constitute an acceptance by the City of the responsibility for maintenance or development of any street or other easement shown on the plat.~~

EB. County ApprovalRecording the Plat

After approval, the City shall authorize the transmittal of the final map, tracing, and other data to ~~Washington County~~the County, to determine that there has been compliance with all provisions of State and local statutes. ~~The County may make such checks in the field as necessary to verify that the map is sufficiently correct on the ground. When the County finds the documents in full conformance and has been paid the statutory fee for such service, approval of the plat shall be given by applicable County officers.~~ Approval of the final plat shall be null and void if the plat is not recorded within sixty (60) days after the date of the last required approving signatures have been obtained.

FC. Effective Date

Subdivision approval shall become final upon the recording with the County of the approved subdivision plat or partition map together with any required documents. Development permits may be issued only after final approval, except for activities at the preliminary plat phase, specifically authorized by this Code.

G. Required Findings

~~No final subdivision plat shall be approved unless:~~

- ~~1. All required public streets and floodplain areas are dedicated without any reservation or restriction other than easements for public utilities and facilities.~~
- ~~2. Streets and roads held for private use have been approved by the City.~~
- ~~3. The plat complies with the standards of the underlying zoning district and other applicable standards of this Code and is in conformity with the approved preliminary plat.~~
- ~~4. The plat dedicates to the public all required common improvements and areas, including but not limited to streets, floodplains, parks, sanitary sewer, storm water, and water supply systems.~~
- ~~5. Adequate water, sanitary sewer and other public facilities exist to support the proposed use of the subdivided land, as determined by the City and are in compliance with City standards. For the purposes of this section:
 - ~~a. Adequate water service shall be deemed to be connection to the City water supply system.~~~~

- ~~b. Adequate sanitary sewer service shall be deemed to be connection to the City sewer system.~~
- ~~c. The adequacy of other public facilities such as storm water and streets shall be determined by the City based on applicable City policies, plans, and standards for said facilities.~~
- ~~6. Adjoining land can be developed, or is provided access that will allow future development, in accordance with this Code.~~

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 98-1053 § 1; 94-991; Ord. 86-851, § 3)

16.124.030 Creation of Streets

~~Chapter 16.126~~

DESIGN STANDARDS*

Sections:

16.126.010 Blocks

16.126.020 Easements

16.126.030 Pedestrian and Bicycle Ways

16.126.040 Lots

* Editor's Note: Some sections may not contain a history.

16.126.010 Blocks

~~A. Connectivity~~

- ~~1. Block Size. The length, width, and shape of blocks shall be designed to provide adequate building sites for the uses proposed, and for convenient access, circulation, traffic control and safety.~~

- ~~2. Block Length. Block length standards shall be in accordance with Section 16.108.040. Generally, blocks shall not exceed five hundred thirty (530) feet in length, except blocks adjacent to principal arterial, which shall not exceed one thousand eight hundred (1,800) feet. The extension of streets and the formation of blocks shall conform to the Local Street Network map contained in the Transportation System Plan.~~

- ~~3. Pedestrian and Bicycle Connectivity. Paved bike and pedestrian accessways shall be provided on public easements or right-of-way consistent with Figure 7.401.~~

the formation of blocks shall conform to the Local Street Network map contained in the Transportation System Plan.

3. Pedestrian and Bicycle Connectivity. Paved bike and pedestrian accessways shall be provided on public easements or right-of-way consistent with Figure 7.401.

Figure 7.401 -- Block Connectivity

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; 2005-009, § 5; 2000-1103, § 3; Ord. 86-851, § 3)

A.B. Utilities

Easements for sewers, drainage, water mains, electric lines, or other utilities shall be dedicated or provided for by deed. Easements shall be a minimum of ten (10) feet in width and centered on rear or side lot lines; except for tie-back easements, which shall be six (6) feet wide by twenty (20) feet long on side lot lines at the change of direction.

BC. Drainages

Where a subdivision is traversed by a watercourse, drainage way, channel or street, drainage easements or rights-of-way shall be provided conforming substantially to the alignment and size of the drainage.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 86-851, § 3)

16.126128.020 Pedestrian and Bicycle Ways

Pedestrian or bicycle ways may be required to connect cul-de-sacs, divide through an unusually long or oddly shaped block, or to otherwise provide adequate circulation.

(Ord. 86-851, § 3)

16.126128.030 Lots

A. Size and Shape

Lot size, width, shape, and orientation shall be appropriate for the location and topography of the subdivision or partition, and shall comply with applicable zoning district requirements, with the following exceptions:

1. Lots in areas not served by public sewer or water supply shall conform to any special- Washington County Health Department standards.

B. Access

All lots in a subdivision shall abut a public street, except as allowed for infill development under Chapter 16.68.

C. Double Frontage

Double frontage and reversed frontage lots are prohibited except where essential to provide separation of residential development from railroads, traffic arteries, adjacent nonresidential uses, or to overcome specific topographical or orientation problems. A five (5) foot wide or greater easement for planting and screening may be required.

D. Side Lot Lines Side lot lines shall, as far as practicable, run at right angles to the street upon which the lots face, except that on curved streets side lot lines shall be radial to the curve of the street.

E. Grading

Grading of building sites shall conform to the following standards, except when topography of physical conditions warrant special exceptions:

1. Cut slopes shall not exceed one and one-half (1 1/2) feet horizontally to one (1) foot vertically.
2. Fill slopes shall not exceed two (2) feet horizontally to one (1) foot vertically.

16.90.020 Site Plan Review

A. Site Plan Review Required

Site Plan review shall be required prior to any substantial change to a site or use, issuance of building permits for a new building or structure, or for the substantial alteration of an existing structure or use, and prior to the issuance of a sign permit for the erection or construction of a sign

For the purposes of Section 16.90.020, the term "substantial ~~alteration~~change" and "substantial alteration" shall mean any development activity as defined by this Code that generally requires a building permit and may exhibit one or more of the following characteristics:

1. The activity alters the exterior appearance of a structure, building or property and is not considered a modification.
2. The activity involves changes in the use of a structure, building, or property from residential to commercial or industrial and is not considered a modification.
3. The activity involves non-conforming uses as defined in Chapter 16.48.
4. The activity constitutes a change in a City approved plan, ~~as~~ per Section 16.90.020 and is not considered a modification.
5. The activity involves the cutting of more than five (5) existing mature trees per acre, per calendar year.
6. The activity is subject to site plan review by other requirements of this Code.
7. The activity increases the size of the building by more than 100% (i.e. the building more than doubles in size), regardless of whether it would be considered a major or minor modification.

~~7. Review of any proposed activity indicates that the project does not meet the standards of Section 16.90.020~~

B. Exemption to Site Plan Requirement

1. Single and two family uses

2. Manufactured homes located on individual residential lots per Section 16.46.010, but including manufactured home parks,

3. Major modifications

4. Minor modifications

~~B. Exemptions~~

~~The City shall make an initial determination whether a proposed project requires a site plan review or whether the project is exempt. The City Manager or his or her designee is authorized to waive site plan review when a proposed development activity clearly does not represent a substantial alteration to the building or site involved. The findings of the City Manager or his or her designee shall be made in writing to the applicant. The action of the City Manager or his or her designee may be appealed as per Chapter 16.76.~~

~~CB. Plan Changes~~ 16.90.030 Site Plan Modifications and Revocation

~~1A. Changes~~ Modifications to Approved Site Plans

~~Construction, site development, landscaping, tree mitigation, habitat preservation, and other development activities shall be carried out in accordance with the site development plans per Chapter 16.72. Any proposed changes to approved plans shall be submitted for review to the City. Changes that are found to be substantial, as defined by Section 16.90.020, that conflict with original approvals, or that otherwise may conflict with the standards of Section 16.90.020, shall be submitted for supplemental review together with a fee equal to one-half (1/2) the original site plan review fee.~~

1. Major Modifications to Approved Site Plans

a. Defined. The review authority shall determine that a major modification(s) review is required if one or more of the changes listed below are proposed:

1. A change in land use (i.e. residential to commercial, commercial to industrial, etc.);
2. An increase in density by more than ten (10) percent, provided the resulting density does not exceed that allowed by the land use district;
3. A change in setbacks or lot coverage by more than 10 percent, provided the resulting setback or lot coverage does not exceed that allowed by the land use district;
4. A change in the type and/or location of access-ways, drives or parking areas negatively affecting off-site traffic or increasing Average Daily Trips (ADT) by more than 100;
5. An increase in the floor area or height proposed for non-residential use by more than 10 percent;
6. A reduction of more than 10 percent of the area reserved for common open space; or
7. Change to a condition of approval that was specifically applied to this approval (i.e. not a "standard condition"), or a change similar to items a.-f., as determined by the review authority.

b. Approval Criteria. An applicant may request a major modification as follows:

1. Upon the review authority determining that the proposed modification is a major modification, the applicant shall submit an application form, filing fee and narrative, and a site

plan using the same plan format as in the original approval. The review authority may require other relevant information, as necessary, to evaluate the request.

2. The application shall be subject to the same review procedure (Type II, III or IV), decision making body, and approval criteria used for the initial project approval, except that adding a conditional use to an approved project shall be reviewed using a Type III procedure.

3. The scope of review shall be limited to the modification request and does not open the entire site up for additional review unless impacted by the proposed modification. For example, a request to modify a parking lot shall require site design review only for the proposed parking lot and any changes to associated access, circulation, pathways, lighting, trees, and landscaping.

4. Notice shall be provided in accordance with Chapter 16.72.020.

5. The decision maker shall approve, deny, or approve with conditions an application for major modification based on written findings of the criteria.

2. Minor Modifications to Approved Site Plans

a. A Minor Modification is any modification to a land use decision or approved development plan that is not within the description of a major modification as provided, above.

b. Minor Modification Review Procedure. An application for approval of a minor modification shall be reviewed by the review authority using a Type I review procedure under Section 16.72.010.A. Minor modifications shall involve only clear and objective code standards.

c. Minor Modification Applications. An application for minor modification shall include an application form, filing fee and narrative, updated Clean Water Services (CWS) Service Provider Letter or equivalent acknowledgement from CWS, and a site plan using the same plan format as in the original approval if possible. The review authority may require other relevant information, as necessary, to evaluate the request.

d. Minor Modification Approval Criteria. The review authority shall approve, deny, or approve with conditions an application for minor modification based on written findings that the modification is in compliance with all applicable requirements of the Development Code and conditions of approval on the original decision, and the modification is not a major modification as above.

B. Revocation

Any departure from approved plans shall be cause for revocation of applicable building and occupancy permits. Furthermore if, in the City's determination, a condition or conditions of site plan approval are not or cannot be satisfied, the site plan approval, or building and occupancy permits, shall be revoked.

No other changes to the remainder of chapter

Chapter 16.72 PROCEDURES FOR PROCESSING DEVELOPMENT PERMITS*

Sections:

16.72.010 Generally

16.72.020 Public Notice and Hearing

16.72.030 Content of Notice

16.72.040 Planning Staff Reports

16.72.050 Conduct of Public Hearings

16.72.060 Notice of Decision

16.72.070 Registry of Decisions

16.72.080 Final Action on Permit or Zone Change

16.72.010 Generally

A. Classifications

Except for Final Development Plans for Planned Unit Developments, which are reviewed per Section 16.40.030, all quasi-judicial development permit applications and legislative land use actions shall be classified as one of the following:

1. Type I

The following quasi-judicial actions shall be subject to a Type I review process:

- a. Signs
- b. Property Line Adjustments
- c. Interpretation of Similar Uses
- d. Temporary Uses
- e. Final subdivision and partition plats
- f. Final Site Plan Review
- g. Time extensions of approval, per Sections 16.90.020; 16.124.010
- h. Class A Home Occupation Permits
- i. Interpretive Decisions by the City Manager or his/her designee
- j. Tree Removal Permit - a street trees over five (5) inches DBH, per Section 16.142.050.B.2 and 3.
- k. Adjustments
- l. Replatting, Lot Consolidations and Vacations of Plats
- m. Minor Modifications to Approved Site Plans

2. Type II

The following quasi-judicial actions shall be subject to a Type II review process:

- a. Land Partitions
- b. Expedited Land Divisions - The Planning Director shall make a decision based on the information presented, and shall issue a development permit if the applicant has complied with all of the relevant requirements of the Zoning and Community Development Code. Conditions may be imposed by the Planning Director if necessary to fulfill the requirements of the adopted

Comprehensive Plan, Transportation System Plan or the Zoning and Community Development Code.

c. "Fast-track" Site Plan review, defined as those site plan applications which propose less than 15,000 square feet of floor area, parking or seating capacity of public, institutional, commercial or industrial use permitted by the underlying zone, or up to a total of 20% increase in floor area, parking or seating capacity for a land use or structure subject to conditional use permit, except as follows: auditoriums, theaters, stadiums, and those applications subject to Section 16.72.010.4, below.

d. "Design Upgraded" Site Plan review, defined as those site plan applications which propose between 15,001 and 40,000 square feet of floor area, parking or seating capacity and which propose a minimum of eighty percent (80%) of the total possible points of design criteria in the "Commercial Design Review Matrix" found in Section 16.90.020.4.G.4.

e. Industrial "Design Upgraded" projects, defined as those site plan applications which propose between 15,001 and 60,000 square feet of floor area, parking or seating capacity and which meet all of the criteria in 16.90.020.4.H.1.

f. Class B Variance

g. Street Design Modification

h. Subdivisions between 4-10 lots

3. Type III

The following quasi-judicial actions shall be subject to a Type III review process:

a. Conditional Uses

b. Site Plan Review -- between 15,001 and 40,000 square feet of floor area, parking or seating capacity except those within the Old Town Overlay District, per Section 16.72.010.4, below.

c. Subdivisions -- ~~Less than~~ between 11- 50 lots.

4. Type IV

The following quasi-judicial actions shall be subject to a Type IV review process:

a. Site Plan review and/or "Fast Track" Site Plan review of new or existing structures in the Old Town Overlay District.

b. All quasi-judicial actions not otherwise assigned to a Hearing Authority under this section.

c. Site Plans -- Greater than 40,000 square feet of floor area, parking or seating capacity.

d. Site Plans subject to Section 16.90.020.4.G.6.

e. Industrial Site Plans subject to Section 16.90.020.4.H.2.

f. Subdivisions -- ~~More than~~ over 50 lots.

g. Class A Variance

5. Type V

The following legislative actions shall be subject to a Type V review process:

a. Plan Map Amendments

b. Plan Text Amendments

c. Planned Unit Development -- Preliminary Development Plan and Overlay District.



Memorandum

DATE: August 16, 2011
TO: Planning Commission
FROM: Michelle Miller, AICP, Associate Planner
SUBJECT: Division V: Parking Lot Layout and Landscaping

Chapters 16.92 Landscaping and 16.94 Parking of Sherwood Zoning and Community Development Code (SZCDC) describe the requirements for landscaping and parking requirements for a site. The Planning Commission held a work session on June 28, 2011 to discuss the issue paper about *Parking Lot Layout and Landscaping* and developed some recommendations for this section of the code.

At the June 28, 2011 Planning Commission work session, staff reviewed the parking lot layout issue paper and discussed and compared landscaping and parking requirements at several locations around Sherwood and around the metropolitan region. Staff prepared a power point to get feedback on examples of parking lot layouts that Commissioners wanted to incorporate into the new code provisions. The following modifications include the ideas generated at the last work session:

Parking Lot Landscaping

- Total landscaping requirements-proportion of shrubs, ground cover or trees
- Interior landscaping requirements
- Type and specificity of landscaping materials
- Requiring trees to the landscape islands

Parking Lot Layout

- Compliance with updates to the Metro functional plan parking requirements
- Minimum and maximum number of parking spaces required
- Wheel stop requirements
- Dimensional standards for parking stalls
- Shared parking requirements
- Bicycle parking requirements

Attached are the draft changes which are reflected in track changes with new text identified in blue underline and deleted text with ~~red~~ strikethrough. Several sections have been moved to other places in the Code and are identified with green double underline and where they moved from in ~~green~~ double strikethrough. Several items are highlighted to show changes in numbering or added language from earlier Code Clean Up efforts. Because this is a significant amount of reorganization and change, we are also providing a clean copy reflecting the draft changes and included as Attachment 2.

At the August 23, 2011, Planning Commission meeting, we will be asking the Commission to review the draft of the Code language and provide feedback. After receiving this feedback, staff will follow-up as needed and revise the language for a future work session or public hearing.

ATTACHMENT 1: Proposed Code Language: Parking Lot Layout-track changes

Chapter 16.92 LANDSCAPING*

Sections:

16.92.010 Landscaping Plan Required

16.92.020 Landscaping Materials

16.92.030 Landscaping Standards

16.92.040 Installation and Maintenance

* Editor's Note: Some sections may not contain a history.

16.92.010 Landscaping Plan

All proposed developments for which a site plan is required pursuant to Section 16.90.020 shall submit a landscaping plan which meets the standards of this Chapter. All areas not occupied by structures, paved roadways, walkways, or patios shall be landscaped or maintained according to an approved site plan.

~~Maintenance of existing non-invasive native vegetation is encouraged within a development and required for portions of the property not being developed.~~

(Ord. 2006-021; Ord. 86-851, § 3)

16.92.020 Landscaping Materials

A. ~~Varieties~~ Type of Landscaping Required

Required landscaped areas shall include an appropriate combination of native evergreen or deciduous trees and shrubs, evergreen ground cover, and perennial plantings. Trees to be planted in or adjacent to public rights-of-way shall meet the requirements of this Chapter.

1. One (1) tree shall be provided for every eight hundred square feet of required landscaped area. Evergreen trees shall have a minimum planting height of six (6) feet. Deciduous trees shall have a minimum caliper of 1.5 inches at time of planting.

2. One evergreen shrub having a minimum mature height of forty-eight (48) inches shall be provided for every four hundred (400) square feet of required landscaped area.

3. Live ground cover consisting of low-height plants, or shrubs, or grass shall be planted in the portion of the landscaped area not occupied by trees or evergreen shrubs. Bare gravel, rock, bark or other similar materials may be used, but are not a substitute for ground cover plantings, and shall be limited to no more than twenty-five (25) percent of the required landscape area.

B. Establishment of Healthy Growth and Size

1. Required landscaping materials shall be established and maintained in a healthy condition and of a size sufficient to meet the intent of the approved landscaping plan. Specifications shall be submitted showing that adequate preparation of the topsoil and subsoil will be undertaken.

2. A landscape plan must provide the tree canopy shading at the time of maturity or show the landscaping coverage after three years from installation of the landscaping.

C. Non-Vegetative Features

3. Private Pathway/Sidewalk Design. Private pathway surfaces shall be concrete, asphalt, brick/masonry pavers, or other pervious durable surface. Primary pathways connecting front entrances to the right of way shall be at least 6 feet wide and conform to ADA standards. Secondary pathways between buildings and within parking areas shall be a minimum of four (4) feet wide and/or conform to ADA standards. Where the system crosses a parking area, driveway or street, it shall be clearly marked with contrasting paving materials or raised crosswalk (hump). At a minimum all crosswalks shall include painted striping.

4. Exceptions. Private pathways/sidewalks shall not be required where physical or topographic conditions make a connection impracticable, where buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or pathways would violate provisions of leases, restrictions or other agreements. (Ord. No. 2010-015, § 2, 10-5-2010; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; 2005-009, § 8; Ord. 86-851)

16.96.040 On-Site Vehicle Circulation

A. Maintenance

No building permit or other City permit shall be issued until plans for ingress, egress and circulation have been approved by the City. Any change increasing any ingress, egress or circulation requirements, shall be a violation of this Code unless additional facilities are provided in accordance with this Chapter.

B. Joint Access [See also Chapter 16.108]

Two (2) or more uses, structures, or parcels of land are strongly encouraged to utilize jointly the same ingress and egress when the combined ingress and egress of all uses, structures, or parcels of land satisfy the other requirements of this Code, provided that satisfactory legal evidence is presented to the City in the form of deeds, easements, leases, or contracts to clearly establish the joint use. In some cases, the City may require a joint access to improve safety, vision clearance, site distance, and comply with access spacing standards for the applicable street classification.

C. Connection to Streets

1. Except for joint access per this Section, all ingress and egress to a use or parcel shall connect directly to a public street, excepting alleyways.
2. Required private sidewalks shall extend from the ground floor entrances or the ground floor landing of stairs, ramps or elevators to the public sidewalk or curb of the public street which provides required ingress and egress.

D. Maintenance of Required Improvements

Required ingress, egress and circulation improvements shall be kept clean and in good repair.

E. Service Drives

Service drives shall be provided pursuant to Section 16.94.030.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2005-009 § 8)



Home of the Tualatin River National Wildlife Refuge

MEMORANDUM

City of Sherwood
22560 SW Pine St
Sherwood, OR 97140
Tel 503-625-5522
Fax 503-625-5524
www.ci.sherwood.or.us

DATE: August 16, 2011
TO: Planning Commission
FROM: Zoe Monahan, Assistant Planner
SUBJECT: Trees on Private Property

Mayor
Keith Mays

Council President
Dave Grant

Councilors
Linda Henderson
Robyn Folsom
Bill Butterfield
Matt Langer
David Luman

City Manager
Jim Patterson

After the trees on private property work session on June 14, 2011 staff started drafting code language based on that discussion. At the work session we discussed alternative tree language options including a tiered approach, canopy requirement and an incentive program. At that meeting the Planning Commission asked staff to move forward with a canopy requirement as well as an incentive based program. The commission also requested that residential and non-residential standards be split into two categories.

The existing tree code language has been revised to reflect the changes discussed at the last work session. To ensure that staff continues to develop language in the direction that the Planning Commission had envisioned; your initial feedback would be appreciated. The standards generally fall into one of three categories: inventory, required retention and incentives for retention. We have additional work sessions planned in September and October, however in order to ensure that we move forward, we would like to get your input on the following issues:

Inventory

Is the inventory requirement clear? We have not proposed to modify the size of tree required to be inventoried. Is this a concern?

Required retention

The retention is focused on only removing what is necessary to accommodate the development, retaining trees when the area topography or land warrants it (steep slopes, wetlands, etc.) and retaining or planting a certain percentage of canopy depending on the zone.

- Do you have concerns or need more information on this retention concept?
- Are there concerns or questions regarding the canopy requirements for residential or non-residential zones?
- What are your thoughts on the proposed canopy percentages?

Incentive for retention

- Are there any concerns regarding the re-development incentives?

Other

- The process for residential and non-residential trees when the site is not subject to land use review has been revised to create a review process that does not require full site plan review. Are there any additions needed? Concerns or questions?
- If the language does not reflect the suggestions that were made at the June 14 work session, please provide additional direction to staff.

Please note that the draft tree code is not attached. It will be provided to the Planning Commission at or before the Planning Commission meeting.



Home of the Tualatin River National Wildlife Refuge

MEMORANDUM

City of Sherwood
22500 SW Pine St
Sherwood, OR 97140
Tel 503-625-5522
Fax 503-625-5524
www.ci.sherwood.or.us

DATE: August 16, 2011
TO: Planning Commission
FROM: Zoe Monahan, Assistant Planner
SUBJECT: Temporary Uses

Mayor
Keith Mays

Council President
Dave Grant

Councillors
Lizta Henderson
Robyn Folsom
Bel Butterfield
Matt Langer
David Luman

City Manager
Jim Patterson

After the work session on June 28, 2011 regarding temporary uses, staff prepared draft code language based on that discussion. The draft language is attached to this memo as Attachment 1

At the work session we discussed incorporating the temporary use exemptions from Resolution 2002-021 as well as exemption activities that received a Special Event Permit from the City. We also discussed out door display or sidewalk sales. It appeared that the Planning Commission was interested in draft language with those items in addition to a more user friendly temporary uses code section.

In order to continue to move forward it is important to check in with the Planning Commission to ensure that you are comfortable with the proposed language. If there are major issues we can discuss the language further at another Planning Commission work session or if there are no issues or only minor issues then we can move forward and prepare for a Public Hearing.

At the work session, we are looking for your input on the following;

- 1) Are there any concerns about the proposed exemptions, should anything be added or removed from the exemptions?
- 2) Are there concerns about the proposed time limits?
- 3) Are there concerns about the permanent or temporary outdoor sales descriptions?

Chapter 16.86 TEMPORARY USES*

Sections:

16.86.010 ~~Generally Purpose~~16.86.020 ~~Applicability~~ Temporary Uses or Structures16.86.030 Temporary and Seasonal Events~~16.86.020~~ ~~Permit Approval~~

* Editor's Note: Some sections may not contain a history.

16.86.010 ~~Generally Purpose~~~~Approval may be granted for structures or uses which are temporary or seasonal in nature, such as temporary real estate offices and construction offices, provided such uses are consistent with the intent of the underlying zoning district and comply with other provisions of this Code.~~This section recognizes that temporary uses serve a useful purpose in the life of the community.Temporary uses are characterized by their short term or seasonal nature and by the fact that permanent ~~improvements~~ changes are not made to the site. Such activities have a potential to have adverse impacts on surrounding property created by the temporary activity therefore specific requirements are necessary as discussed herein.16.86.020 ~~Applicability~~ Temporary Uses or StructuresA. Temporary Uses ~~Applicability~~Approval may be granted for structures or uses which are temporary or seasonal in nature, such as temporary real estate offices and construction offices, provided such uses are consistent with the intent of the underlying zoning district and comply with other provisions of this Code. These activities are intended to be in use for a limited duration and shall not become a permanent part of a site.~~BBC.~~ Application and FeeAn application for a temporary use shall be filed with the City and accompanied by the fee specified ~~by Section 16.74.010~~ in the adopted fee schedule. The applicant is responsible for submitting a complete application which addresses all review criteria. Temporary use permits shall be subject to the requirements set forth in Chapter 16.72.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 91-922, § 3; Ord. 86-851, § 3)

~~16.86.020-030C.~~ Permit ApprovalA1. Findings of FactA temporary use permit (TUP) may be authorized by the City Manager or his/her designee pursuant to Chapter 16.72 provided that the applicant ~~providessubmits~~ submits a narrative and detailed site plan that demonstrates that the proposed use:

- ~~1~~a. Generally conforms to the standards and limitations of the zoning district in which it is located.
- ~~b~~2. Meets all applicable City and County health and sanitation requirements.
- ~~c~~3. Meets all applicable Uniform Building Code requirements.
- ~~4~~d. Construction trailers shall not be approved until ~~site plan~~land use approval and building permits, if applicable, have been issued.

B2. Time Limits

The temporary use or structure shall be removed upon expiration of the temporary use permit, unless renewed by the City Manager or his/her designee. ~~In no case shall a temporary use permit be issued for a period exceeding one (1) year, unless the permit is renewed pursuant to this Chapter.~~

- a. Temporary construction trailers and real estate offices shall not be issued for a period exceeding one (1) year. The applicant may request a renewal for additional time to allow completion of the project provided that the applicant provides a narrative describing the need for additional time and an anticipated date of project completion.
- b. Other temporary uses, not otherwise exempt per 16.86.020.B, shall be issued a permit for up to one (1) year to accommodate the duration of the proposed temporary use.
 - a. Renewals may be provided as follows:
 - i. A renewal permit may be obtained for a period of one (1) year after providing a narrative discussing how the use will remain temporary and how the use is not and will not become permanent.
 - ii. A temporary use permit shall not be renewed for more than three consecutive years; however a renewal may be obtained annually for uses that do not exceed a four month period of time per year.

~~C3.~~ Additional Conditions

In issuing a temporary use permit, the City Manager or his/her designee may impose reasonable conditions as necessary to preserve the basic purpose and intent of the underlying zoning district. These conditions may include, but are not limited to the following:

- a. increased yard dimensions;
- b. fencing, screening or landscaping to protect adjacent or nearby property;
- c. limiting the number, size, location or lighting of signs;
- d. restricting certain activities to specific times of day; and
- e. reducing the duration of the temporary use permit to less than one (1) year.

~~D4.~~ Revocation

Any departure from approved plans not authorized by the City Manager or his/her designee shall be cause for revocation of applicable building and occupancy permits. Furthermore if, in the City's determination, a condition or conditions of TUP approval are not or cannot be satisfied, the TUP approval, or building and occupancy permits, shall be revoked.

16.86.030. Temporary and Seasonal Events**A. Applicability**

1. Short- term events with an approved City of Sherwood Special Event Permit such as festivals, farmers markets and local events.
2. Short- term events, two (2) weeks in duration or less, including but not limited to fireworks sales, tent sales, sidewalk sales, book sales, craft sales, tree sales or rummage sales.

B. Criteria

No permit or review is required for short -term temporary and seasonal events described in section A.2. above, that meet the following criteria:

- a. The operations take place on private property for which the applicant has permission to use. No part of the site or use shall be located in the public right-of-way, unless a right-of-way permit has been previously granted by the City Engineer.
- b. The event must take place on an improved site one that has received site plan approval per Chapter 16.90.
- c. The use shall not result in cars stacking onto a public street or interfering with on-site traffic circulation.
- d. Pedestrian pathways such as sidewalks, bike path, walkways and breezeways shall not be blocked.
- e. Wheelchair paths and handicapped parking spaces shall not be blocked.
- f. The use shall not eliminate required off street parking.
- g. Temporary uses shall obtain TVF&R approval.
- h. Temporary uses permitted by these criteria are not exempt from any other required permits such as temporary portable sign permits, City business license, sanitation facility permits, electrical permits, or any other required city, county or state permit.
- i. The use shall comply with applicable noise, odor, nuisance, fire code and comply with other provisions of this Code.

C. Enforcement

If a temporary or seasonal event is found to be out of compliance with the above criteria, the City shall enforce compliance or require the removal of the event in accordance with the City's code compliance procedures and 16.02.040.

~~D. Revocation~~

~~Any departure from approved plans not authorized by the City Manager or his/her designee shall be cause for revocation of applicable building and occupancy permits. Furthermore if, in the City's determination, a condition or conditions of TUP approval are not or cannot be satisfied, the TUP approval, or building and occupancy permits, shall be revoked.~~

Chapter 16.98 ON-SITE STORAGE*

Sections:

16.98.010 Recreational Vehicles And Equipment

16.98.020 Solid Waste and Recycling Storage

16.98.030 Material Storage

16.98.040 Outdoor Sales and Merchandise Display

16.98.040 Outdoor Sales and Merchandise Display

A. Sales Permitted

Outdoor sales and merchandise display activities shall be permitted when such activities are deemed by the Commission to be a customary and integral part of a permitted commercial or industrial use.

1. Permanent outdoor sales and merchandise displayed are in use year round or in excess of four (4) months per year and require the location to be reviewed through a site plan review. They will be reviewed as conditional uses in accordance with Chapter 16.82. Permanent outdoor and merchandise display are subject to the standards outlined in subsection B, below.
2. Temporary outdoor sales and merchandise display are seasonal and are not displayed year round and ~~four (4)~~ must meet the requirements of Chapter 16.86 (temporary uses).

B. Standards

1. Outdoor sales and merchandise display areas shall be kept free of debris. Merchandise shall be stacked or arranged, or within a display structure. Display structures shall be secured and stable.
2. Outdoor sales and merchandise display shall not be located within required yard, building, or landscape setbacks, except where there is intervening right-of-way of a width equal to or greater than the required setback; and shall not interfere with on-site or off-site pedestrian or vehicular circulation.
3. Outdoor retail sales and merchandise display areas for vehicles, boats, manufactured homes, farm equipment, and other similar uses shall be paved with asphalt surfacing, crushed rock, or other dust-free materials.
4. Additional standards may apply to outdoor sales and merchandise display dependent on specific restrictions in the zone. ~~in NC zones, as per Section 16.24.050A.~~

APPROVED MINUTES

City of Sherwood, Oregon
Planning Commission Minutes
August 23, 2011

Commission Members Present:

Chair Allen
Commissioner Griffin
Commissioner Albert
Commissioner Copfer
Commissioner Cary
Commissioner Walker

Staff:

Julia Hajduk, Planning Manager
Michelle Miller, Associate Planner
Zoe Monahan, Assistant Planner

Commission Members Absent:

Commissioner Clifford

Council Liaison gNone Present

1. **Call to Order/Roll Calls** SChair Allen called the meeting to order.
2. **Agenda Review** SThe agenda consisted of Code Clean Up on Subdivisions, Public Infrastructure and Site Plan Modifications.
3. **Consent Agenda** S June 14th, 2011. Commissioner Copfer made a motion to adopt the consent agenda. Commissioner Albert seconded. A vote was taken, all were in favor and the motion passed.
4. **City Council Comments** SChair Allen announced that Council Member Clark would be the new Planning Commission Liaison. She was not present at this meeting.
5. **Staff Announcements** S Julia provided staff announcements including information that the Planning Department has hired a new Senior Planner; Brad Kilby. Brad will be taking on the new sign code updates, so will be in front of the Commission with those soon. At the last Council meeting it was decided to add the Brookman Road Annexation to the November ballot. The Council also approved the name change for Adams Avenue South. The new name will be Langer Farms Parkway. Langer Farms Parkway is scheduled to be open mid-November.

Tom Pessemier also made some announcements including: City Council approved the purchase of almost 20 acres of land on the corner of Kruger Road and Elwert Road. It is not currently in the urban grown boundary, but will be in the future.

City Manager Jim Patterson had been offered a position as City Manager of Corvallis earlier in the day. He has given his resignation letter to the City, contingent on coming to an agreement of contract terms. The Council will be working on the transition of filling hat position.

6. **Community Comments** gone given

7. Chair Allen opened the public hearing PA-1103 Subdivisions, Public Infrastructure and Site Plan Modifications.

The Staff Report had been prepared by Michelle Miller; however she was not able to attend the meeting, so Julia presented the Staff Report.

This portion of the Code Clean-Up is directed mainly toward streamlining the development process. The public infrastructure section is being re-organized. Changes include modifying the street design modification process and clarifying when it needs to be submitted. Other changes include the removal of some technical street design standards language and inserting new language to refer to the Transportation System Plan and Engineering Design Manual. Language regarding rough proportionality and clarifying when a transportation study is required is also being proposed. The subdivision, partitions and lot line adjustments changes are primarily reorganizing the chapters. One item of substance being proposed is allowing some flexibility to allow overall average lot sizes.

Julia went through some formatting and scrivener error corrections.

Chair Allen opened the meeting for public testimony. With no one present; then closed the public testimony portion of the meeting and opened the floor to Commission discussion.

Initiated by questions asked by Commissioner Griffin, Julia discussed the term rough proportionality and with Tom's input discussed the references to the Engineering Design Manual and the TSP and indicated that it would be better and clearer to remove the technical information from the code and reference the technical manuals that explain it in full detail.

Discussion continued in general about street medians and who can require or deny them. It was also pointed out that Washington County is referred to several different ways throughout the code. It was agreed that since there may be more than one county involved in the future and for consistency the term should be changed to say the county. Regarding lot averaging it was reemphasized that under the lot averaging one lot could not be less than 80% of the minimum lot size. The need to clean up the terms regarding plats, preliminary and final plats was discussed and it was determined that it would not need to be specified under each category but if it is a different type it would need to be clarified.

With no further questions, Commissioner Copfer made a motion to recommend approval of PA11-03 to the City Council based on the adoption of staff reports, finding of fact, public testimony, staff recommendation, agency comments, applicant comments and conditions as revised. The motion was seconded by Commissioner Walker. Chair Allen clarified that the Commission was recommending approval to the Council. Julia recommended that it be heard before the City Council at their September 20th meeting. A vote was taken, all present were in favor. The motion passed.

End of minutes.